

8-40.Actions on Case-by-Case Extension Petitions

1200 TN 438

07/20/2016

1. **AUTHORITY.** To grant or deny petitions for a case-by-case extension of the effective date of the applicable land disposal restrictions as promulgated under sections 3004(d), 3004(e), 3004(g), 3004(h), and 7004(a) of the SWDA, as amended.
2. **TO WHOM DELEGATED.** Assistant administrator for Land and Emergency Management.
3. **LIMITATION.** None
4. **REDELEGATION AUTHORITY.**
 - a. The authority to grant these petitions may be redelegated to the deputy assistant administrators for Land and Emergency Management who may redelegate to the director, Office of Resource Conservation and Recovery who may redelegate to the deputy director, Office of Resource Conservation and Recovery.
 - b. This authority may be redelegated to the deputy assistant administrators for Land and Emergency Management.
 - c. The authority to deny these petitions may be redelegated to the deputy assistant administrators for Land and Emergency Management.
 - d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCE.** Land Disposal Restrictions, 40 CFR section 268.5.



Delegation of Authority

SOLID WASTE DISPOSAL ACT (SWDA)

8-38. Grants and Cooperative Agreements (Subtitle I)

1200 TN 161
02/26/2010

1. **AUTHORITY.** To take all necessary actions to approve grants and/or cooperative agreements with States under Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, Public Law 105-276, and annual appropriations acts.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for the Office of Land and Emergency Management.
3. **LIMITATIONS.**
 - a. Regional Administrators, or delegates, must follow grant guidelines issued by the Assistant Administrator for OLEM or the Office Director for the Office of Underground Storage Tanks, when exercising the authority in paragraph 1.
 - b. Before a delegated official exercises the authority in paragraph 1, Regional Administrators, or designees, must consult with the Office Director of the Office of Underground Storage Tanks, or designee, in accordance with Office of Underground Storage Tanks policy.
4. **REDELEGATION AUTHORITY.**
 - a. The Assistant Administrator for OLEM may redelegate this authority to the Office Director of Underground Storage Tanks, or equivalent, and no further.
 - b. Regional Administrators may redelegate this authority to the Regional Division Director level, or equivalent, and no further.
 - c. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such re delegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. See delegation 1-14 in EPA's "Delegations Manual."
 - b. See delegation 8-14 in EPA's "Delegations Manual."



Approved 1/18/2017 -

MEMORANDUM

SUBJECT: Delegation of Authority 8-37, Requiring Corrective Action for Releases of Petroleum from Underground Storage Tanks

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

8-37. Requiring Corrective Action for Releases of Petroleum from Underground Storage Tanks (Subtitle I) (1200 TN 350 8-37)

1. **AUTHORITY.** To take all necessary actions under Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to require the owner or operator of a petroleum underground storage tank (UST) to undertake corrective action.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and the assistant administrator for the Office of Land and Emergency Management and regional administrators.
3. **LIMITATIONS.**
 - a. Before either the administrator assistant for OECA or the assistant administrator for OLEM exercises the authority in paragraph 1, the assistant administrator must notify any affected regional administrator.
 - b. Before the regional administrator exercises the authority in paragraph 1, the regional administrator must consult with the regional counsel, or equivalent.
 - c. Before the regional administrator exercises the authority in paragraph 1, the regional administrator must notify the assistant administrator for OECA.

- d. The regional administrator, the assistant administrator for OLEM or the assistant administrator for OECA must notify the director of the state agency designated by the governor to implement the UST Program upon exercising the authority under paragraph 1.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the division director level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. See Delegation 8-26 (Administrative Enforcement).
- b. See Delegation 8-33 (Selection and Performance of Federal Corrective Actions and Leaking Underground Storage Tanks).
- c. RCRA Section 9003(h) and 9006(a).

8-36. Codification of Approved State Programs

1200 TN 350 8-36

07/20/2016

1. **AUTHORITY.** To sign and submit proposed and final rulemaking documents which codify the major elements (statutes and regulations, Attorney General's Statement, Memorandum of Agreement, and Program Description) of an approved State program in the Code of Federal Regulations, and to sign and submit rulemaking documents which amend previously codified State programs pursuant to SWDA.
2. **TO WHOM DELEGATED.** Assistant administrator for Land and Emergency Management and regional administrators.
3. **LIMITATIONS.** The regional administrators must notify the Office of Enforcement and Compliance Assurance upon exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the deputy assistant administrator level and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.

8-34. Reimbursement - Studies of Underground Storage Tanks

1200 TN 138
07/20/2016

1. **AUTHORITY.** Pursuant to Subtitle I of the SWDA: to provide fair and equitable reimbursement to any owner or operator (other than an agency, department, or instrumentality of the United States Government, a State or a political subdivision thereof) who incurs costs, including the loss of business opportunity, due to the closure or interruption of operation of an underground storage tank for the purpose of conducting studies authorized by Section 9009 of the SWDA.
2. **TO WHOM DELEGATED.** The assistant administrator for Land and Emergency Management and the assistant administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** The assistant administrator for Chemical Safety and Pollution Prevention shall exercise the authority only for purposes of the survey to be conducted under Section 9009(a) and Section 9009(d) of the SWDA.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the deputy assistant administrator level and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 9009(f) of the SWDA.



Delegation of Authority

SOLID WASTE DISPOSAL ACT (SWDA)

8-33. Selection and Performance of Federal Corrective Actions at Leaking Underground Storage Tanks

1200 TN 168

02/26/2010

Administrative Update 12/15/2015

1. **AUTHORITY.** Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to determine the necessity of and to select Federal corrective actions at leaking underground storage tanks containing petroleum and/or oxygenated fuel additives, to enter property, and to perform such corrective actions using Leaking Underground Storage Tank (LUST) Trust Fund funds.
2. **TO WHOM DELEGATED.** Assistant Administrator for Office of Land and Emergency Management and Regional Administrators.
3. **LIMITATIONS.**
 - a. Before a Regional Administrator or delegatee exercises this authority for any obligations up to \$250,000 or for any amendment that does not bring the total obligation above \$250,000, the Regional Administrator or designee must receive the concurrence from the Office Director of the Office of Underground Storage Tanks or designee.
 - b. Before a Regional Administrator or delegatee exercises this authority for any obligations above \$250,000 or for any amendment that brings the total obligation above \$250,000, the Regional Administrator or designee must receive the concurrence from the Assistant Administrator for Land and Emergency Management or designee.
 - c. For emergency situations with obligations not exceeding \$50,000, Regional Administrators, or their delegates, may exercise this authority and must comply with Federal lead UST corrective action guidance issued by the Assistant Administrator for Land and Emergency Management, or designee.
4. **REDELEGATION AUTHORITY.**
 - a. The Assistant Administrator for OLEM may redelegate this authority to the Director of the Office of Underground Storage Tanks, or equivalent, and no further.
 - b. Regional Administrators may redelegate this authority to On-Scene Coordinators or Regional Section Chiefs, or equivalent, and no further.
5. **ADDITIONAL REFERENCES.**
 - a. Superfund Removal directives.
 - b. OLEM 9610.9A and subsequent amendments.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 12 2014

MEMORANDUM

SUBJECT: Request for Approval of Proposed Revision to Delegation of Authority 8-31,
Determination That There Is or Has Been a Release

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to be "Gina McCarthy", is written over the "FROM:" line and extends slightly into the "TO:" line.

TO: Assistant Administrator, Office of Enforcement and Compliance Assurance
Regional Administrators

I hereby grant you delegation of authority pursuant to Subtitle C, Section 3008(h) of the Solid Waste Disposal Act to make determinations that there is or has been a release of hazardous waste into the environment at a facility authorized to operate under Section 3005(e) of the Solid Waste Disposal Act.

8-31. Determination That There Is or Has Been a Release (1200 TN 350)

1. AUTHORITY.

Pursuant to Subtitle C, Section 3008(h) of the Solid Waste Disposal Act to make determinations that there is or has been a release of hazardous waste into the environment at a facility authorized to operate under Section 3005(e) of the Solid Waste Disposal Act.

2. TO WHOM DELEGATED.

Regional administrators and the assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS.

The assistant administrator for the Office of Enforcement and Compliance Assurance must notify the appropriate regional administrator before exercising this authority.

4. REDELEGATION.

- a. This authority may be redelegated to the branch-chief level.
- b. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of delegated authority.
- c. An official who redelegates authority may revoke such redelegation at any time.

5. REFERENCES.

- a. Section 3008(h) of the Solid Waste Disposal Act.
- b. See the Chapter 8 Delegations titled:

- i. Administrative Enforcement - Corrective Action Authority: Issuance Orders and

- Signing of Consent Agreements.
- ii. Administrative Enforcement - Corrective Action: Agency Representation in Hearings and Signing of Consent Agreements.
 - iii. Administrative Enforcement - Agency Representation in Hearings and Signing of Consent Agreements.
 - iv. Civil Judicial Enforcement Actions.
 - v. Criminal Enforcement Actions.
 - vi. Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions.
 - vii. Emergency Temporary Restraining Orders.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 12 2017

MEMORANDUM

SUBJECT: Delegation of Authority 8-30, Emergency Temporary Restraining Orders (Subtitle I)

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

8-30. Emergency Temporary Restraining Orders (Subtitle I) (1200 TN 350 8-30)

1. **AUTHORITY.** Pursuant to the Solid Waste Disposal Act, including Section 9006, to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and to the appropriate U.S. Attorney.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. The regional administrator must obtain the advance concurrence of the regional counsel or equivalent on the legal sufficiency of the referral before exercising this authority. The regional counsel or equivalent may waive concurrence in writing.
 - b. The regional administrators must notify the assistant administrator for OECA before exercising this authority. The assistant administrator for OECA may waive notification in writing.
 - c. The assistant administrator for OECA must notify any affected regional administrators before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division-director level or equivalent and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. **REFERENCES.** Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 8-29, Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions (Subtitle I)

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the name in the "FROM" field.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

**8-29. Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions
(Subtitle I) (1200 TN 350 8-29)**

1. AUTHORITY.

- a. To exercise the agency's concurrence in the settlement of civil judicial enforcement actions under Subtitle I of the Solid Waste Disposal Act; and
- b. To request the attorney general to amend a consent decree issued pursuant to a civil judicial enforcement action and represent the agency.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. For cases initiated by the regional administrators, the OECA assistant administrator must obtain the concurrence of the appropriate regional administrator before exercising this authority.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the OECA division director level, or equivalent, and to the regional counsel, or equivalent, and no further, except these authorities with regard to multiregional bankruptcy settlements and multiregional insurance receivership settlements may be redelegated only within OECA.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. Memorandum of Understanding between the agency and the Department of Justice, June 1977; Section 9006 of the SWDA.



Delegation of Authority

SOLID WASTE DISPOSAL ACT (SWDA)

8-27. Administrative Enforcement: Issuance of Consent Orders and Final Orders (Subtitle I)

1200 TN 281
02/26/2010

1. **AUTHORITY.** Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to:
 - a. Issue final orders (including consent orders) that assess penalties and/or require compliance, that are the result of settlements between the Agency and respondents through administrative enforcement actions under Subtitle I of the SWDA, as amended;
 - b. Issue final orders that assess penalties and/or require compliance, that are the result of litigation;
 - c. Allow an initial decision to become a final order by declining review pursuant to 40 CFR 22.27(c)(4) or any subsequent amendment; and,
 - d. Approve field citations.
2. **TO WHOM DELEGATED.** This authority is delegated as follows:
 - a. Authority 1.a. is delegated to Regional Administrators for cases commenced in the Regions and to the Environmental Appeals Board for cases commenced at EPA Headquarters;
 - b. Authorities 1.b. and 1.c. are delegated to the Environmental Appeals Board, and no further; and,
 - c. Authority 1.d. is delegated to Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. This authority does not include the authorities addressed in delegation 8-25.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated as follows:
 - a. Authority 1.a. may be redelegated to the Regional Judicial Officer, or equivalent, and no further;
 - b. Authorities 1.b. and 1.c. may not be redelegated; and,
 - c. Authority 1.d. may be redelegated to the Section Chief, or equivalent, and no further.

Delegation of Authority

1200 TN 350
02/26/2010

8-26. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements (Subtitle I)

1. **AUTHORITY.** Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to:
 - a. Represent the Agency in administrative enforcement actions under Subtitle I of the SWDA;
 - b. Negotiate and sign consent agreements between the Agency and respondents resulting from such enforcement actions;
 - c. Initiate an appeal from an administrative determination;
 - d. Represent the Agency in such appeals pursuant to the SWDA; and,
 - e. Assign appropriate personnel to perform the functions specified in paragraph (a).
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. Before the Regional Administrator, or delegatee, initiates an appeal or determines that an appeal is unnecessary for an adverse decision, the Regional Administrator, or designee, must receive concurrence from the Assistant Administrator for Enforcement and Compliance Assurance, or designee.
 - b. The Regional Administrator, or delegatee, may exercise the authority only for those cases commenced by the Regions.
 - c. Before the Regional Administrator, or delegatee, exercises the authorities in 1.a. through 1.d. at a Federal facility, the Regional Administrator, or designee, must consult with the Assistant Administrator for Enforcement and Compliance Assurance, or designee.
 - d. The Assistant Administrator for Enforcement and Compliance Assurance, or delegatee, may exercise authorities 1.c. and 1.d. in cases commenced by Headquarters, multi-Regional cases or cases of national significance.
4. **REDELEGATION AUTHORITY.**
 - a. Authorities 1.a., 1.b., and 1.d. may be redelegated to attorneys in assigned cases, or equivalent.

- b. Authorities 1.c. and 1.e. may be redelegated to Section or Branch Chiefs, or equivalent, and no further.
- c. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. See delegation 8-9B in EPA's "Delegation Manual."
- b. See delegation 8-35 in EPA's "Delegation Manual."



Delegation of Authority

SOLID WASTE DISPOSAL ACT (SWDA)

8-25. Administrative Enforcement (Subtitle I)

1200 TN 350 8-25
02/26/2010

1. **AUTHORITY.** Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to:
 - a. Proffer field citations;
 - b. Take action under Section 9012 of the SWDA;
 - c. Issue notices to States;
 - d. Issue initial administrative orders under Section 9003(h) of the SWDA;
 - e. Issue administrative complaints;
 - f. Sign consent agreements memorializing settlements between the Agency and respondents prior to filing an administrative complaint; and,
 - g. Take other enforcement action authorized under Subtitle I of the SWDA.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. This authority does not include the authorities addressed in delegations 8-26 or 8-27.
 - b. The following limitations apply to authorities 1.a. through 1.g.:
 - i. This authority may only be exercised prior to the deadline for filing an answer to an administrative complaint.
 - ii. Before the Assistant Administrator for Enforcement and Compliance Assurance, or delegatee, exercises this authority, the Assistant Administrator for Enforcement and Compliance Assurance, or designee, must notify any affected Regional Administrator, or designee.
 - iii. Before a Regional Administrator, or delegatee, issues complaints, the Regional Administrator, or designee, must consult with the Regional Counsel, or designee. This limitation does not apply to the proffering of field citations.

- iv. Before the Regional Administrator, or delegatee, exercises this authority at a Federal facility, the Regional Administrator, or designee, must consult with the Assistant Administrator for Enforcement and Compliance Assurance, or designee. This limitation does not apply to authority 1.a.
- v. Before a regulation or policy directive is promulgated for Section 9012 of the SWDA,:
 - 1. The Assistant Administrator for Enforcement and Compliance Assurance, or delegatee, may take action under Section 9012 of the SWDA after the Assistant Administrator for Enforcement and Compliance Assurance, or designee, receives the concurrence from the Assistant Administrator for Land and Emergency Management, or designee.
 - 2. Regional Administrators, or delegates, may take action under Section 9012 of the SWDA after the Regional Administrator, or designee, receives the concurrence from the Assistant Administrator for Land and Emergency Management, or designee.

4. REDELEGATION AUTHORITY. This authority may be redelegated as follows:

- a. Authority 1.a. may be redelegated to Inspectors and Compliance Officers assigned to do inspections, and no further;
- b. Authorities 1.b., 1.c. 1.e., 1.f., and 1.g. may be redelegated to Section Chiefs, or equivalent, and no further; and,
- c. Authority 1.d. may be redelegated to Division Directors, or equivalent, and no further.
- d. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. See delegation 8-9-A in EPA's "Delegations Manual."
- b. See delegation 8-32 in EPA's "Delegations Manual."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 8-24, Inspections and Information Gathering

FROM:

Gina McCarthy

TO:

Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

8-24. Inspections and Information Gathering (Subtitle I) (1200 TN 350 8-24)

1. **AUTHORITY.** Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, including Section 9005:
 - a. To enter and inspect any establishment or other place where an underground storage tank (or any tank subject to study under Subtitle I that is used for storing regulated substances) is located; to inspect and have access to and copy all records relating to such tanks; to conduct monitoring and testing of such tanks, associated equipment, contents, or surrounding soils, air, surface water or ground water; and to inspect and obtain samples of any regulated substances contained in such tanks.
 - b. To issue an information request to the owner or operator of any establishment or other place where an underground storage tank (or any tank subject to study under Subtitle I that is used for storing regulated substances) is located to furnish information relating to such tanks, their associated equipment and contents and to conduct monitoring and testing.
 - c. To obtain and execute warrants for the purposes of performing inspections, information gathering, monitoring and testing.
 - d. To carry out any other inspection and information gathering activities authorized by Subtitle I of the SWDA.
 - e. To require the carrying out of any other inspection and information gathering activities authorized by Subtitle I of the SWDA.

- f. To designate representatives of the Administrator to perform the functions specified in paragraphs 1.a, 1.b, 1.c, 1.d and 1.e.
- 2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance, the assistant administrator for the Office of Land and Emergency Management and regional administrators.
- 3. **LIMITATIONS.**
 - a. The assistant administrator for OLEM must consult with the assistant administrator for OECA prior to requesting warrants.
 - b. The regional administrator must consult with the regional counsel, or equivalent, prior to requesting warrants.
 - c. The assistant administrator for OECA and the assistant administrator for OLEM must notify the appropriate regional administrator prior to exercising any of the authorities in 1.a, 1.b, 1.c, 1.d, and 1.e, except in the case of nationally managed programs.
- 4. **REDELEGATION AUTHORITY.**
 - a. The authority in 1.a, 1.b, 1.c and 1.d. may be redelegated to the staff level.
 - b. The authority in 1.e. and 1.f. may be redelegated to the branch chief level, or equivalent, and no further.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
- 5. **ADDITIONAL REFERENCES.**
 - a. Section 9005 of the SWDA.
 - b. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 12 2014

MEMORANDUM

SUBJECT: Request for Approval of Proposed Revisions to Delegations of Authority 8-22A, Determinations of Imminent and Substantial Endangerment

FROM: Gina McCarthy

TO: Regional Administrators

I hereby grant you delegation of authority pursuant to Section 7003 of the Solid Waste Disposal Act to make determinations that the handling, storage, treatment, transportation or disposal of any solid waste or hazardous waste may present an imminent and substantial endangerment to health or the environment.

8-22A. Determinations of Imminent and Substantial Endangerment (1200 TN 350)

1. AUTHORITY.

Pursuant to Section 7003 of the Solid Waste Disposal Act to make determinations that the handling, storage, treatment, transportation or disposal of any solid waste or hazardous waste may present an imminent and substantial endangerment to health or the environment.

2. TO WHOM DELEGATED.

Regional administrators.

3. LIMITATIONS.

This authority shall be exercised subject to directives issued by the assistant administrator for the Office of Enforcement and Compliance Assurance.

4. REDELEGATION.

- a. This authority may be redelegated to the branch-chief level.
- b. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of delegated authority.
- c. An official who redelegates authority may revoke such redelegation at any time.

5. REFERENCES.

- a. Section 7003(a) of the Solid Waste Disposal Act.
- b. See the Chapter 8 Delegations entitled Abatement Actions through Unilateral Orders, and Abatement Actions through Consent Orders.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 8-22, Imminent and Substantial Endangerment

FROM:

Gina McCarthy

TO:

Assistant Administrator

Office of Enforcement and Compliance Assurance

Regional Administrators

8-22. Imminent and Substantial Endangerment (1200 TN 645)

1. AUTHORITY. Pursuant to the Solid Waste Disposal Act, including Section 7003:

- a. To make determinations that the handling, storage, treatment, transportation or disposal of any solid waste or hazardous waste may present an imminent and substantial endangerment to health or the environment;
- b. After giving notice to the affected state, to take administrative action including, but not limited to, issuing unilateral orders or orders on consent as may be necessary to protect health and the environment;
- c. To give notice to appropriate local-government agencies upon receipt of information that there is hazardous waste at any site which has presented an imminent and substantial endangerment to human health or the environment and to require notice of the endangerment to be posted at the site where the waste is located.

2. TO WHOM DELEGATED.

- a. The authority in paragraph 1.b is redelegated to the assistant administrator for the Office of Enforcement and Compliance Assurance.
- b. All of the authorities in paragraphs 1.a., 1.b. and 1.c. are redelegated to regional administrators.

3. LIMITATIONS.

- a. The authorities in paragraphs 1.a. and 1.b. shall be exercised subject to directives issued by the assistant administrator for OECA.

- b. The regional administrator must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising the authority to issue orders in 1.b. The regional counsel, or equivalent, may waive concurrence in writing.
- c. The regional administrators must consult with the assistant administrator for OECA before exercising the authority to issue orders in paragraph 1.b. The assistant administrator for OECA may waive consultation in writing.
- d. The assistant administrator for OECA must consult with any affected regional administrators before exercising the authority to issue orders in paragraph 1.b.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the section chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Approved 1/18/2017 -

MEMORANDUM

SUBJECT: Delegation of Authority 8-20, Monitoring, Testing, Analysis, and Reporting

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Assistant Administrator
Office of Water

Regional Administrators

8-20. Monitoring, Testing, Analysis, and Reporting (1200 TN 350 8-20)

1. AUTHORITY. Pursuant to the SWDA, including section 3013:

- a. To make determinations that the presence of any hazardous waste at a facility or site at which hazardous waste is or has been stored, treated or disposed of or the release of any such waste from such facility or site may present a substantial hazard to human health or the environment.
- b. To make determinations and findings regarding monitoring, testing, analysis and reporting.
- c. To make determinations and findings that: The owner or operator of a facility or site not in operation when a determination that there may be a substantial hazard is made could not reasonably be expected to have actual knowledge of the presence of hazardous waste and its potential for release.
- d. To issue orders to present and past owners and operators of facilities or sites requiring monitoring, testing, analysis and reporting, carrying out required monitoring, testing, analysis, requiring proposals for and reporting and requiring the carrying out of same in accordance with such proposals and such modifications as deemed reasonable by the Administrator.
- e. To provide the owner or operator an opportunity to confer with EPA respecting a proposal for carrying out required monitoring, testing, analysis or reporting.

- f. To make determinations and findings that: no owner or operator is able to conduct monitoring, testing, analysis, or reporting satisfactory to the Administrator; any such action carried out by an owner or operator is unsatisfactory; or there is not an owner or operator referred to in section 3013 (a) or (b) who is able to conduct such monitoring, testing, analysis and reporting.
 - g. To conduct monitoring, testing or analysis (or any combination thereof); to authorize a state or local authority or other person to carry out such activity; and to order reimbursement for the costs of such activity after making the determinations in 1.a, 1.b, 1.c, or 1.f, above.
 - h. To designate representatives of the Administrator to perform the functions to conduct monitoring, testing or analysis (or any combination thereof) contained in paragraph 1.g.
2. **TO WHOM DELEGATED.** The assistant administrator for Enforcement and Compliance Assurance, the assistant administrator for Land and Emergency Management, the assistant administrator for Water and regional administrators.
3. **LIMITATIONS.**
- a. The assistant administrator for OECA, the assistant administrator for OLEM and the assistant administrator for OW must notify any affected regional administrator before exercising any of the above authorities. Regional administrators must consult with the regional counsels, or equivalent, before exercising any of the above authorities.
 - b. The assistant administrator for OLEM must obtain advance concurrence of the assistant administrator for OECA prior to exercising these authorities.
 - c. The assistant administrator for OW may only exercise this authority to carry out studies under Section 3018(c) of the SWDA and must obtain the advance concurrence of the assistant administrator for OLEM and the assistant administrator for OECA prior to exercising the authority.
4. **REDELEGATION AUTHORITY.**
- a. These authorities may be redelegated to the section chief level, or equivalent, and no further, except that the authority in 1.g to conduct monitoring, testing or analysis (or any combination thereof) may be redelegated to staff.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES**
- a. Section 3013 of the SWDA.
 - b. See also Section 3007 of the SWDA for additional information gathering authority.

- c. EPA Order 3510 “EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities.”



Delegation of Authority

8-19. Actions on De-listing Petitions to Exclude a Waste Produced at a Particular Facility

1200 TN 418

10/10/95

Administrative Update 10/2016

1. **AUTHORITY.** To grant or deny petitions to exclude (delist), from the hazardous waste regulations, a waste produced at a particular facility, in accordance with Subpart C, Sections 260.20 and 260.22 of the Hazardous Waste Management System Rules and Regulations promulgated under Sections 3001 and 7004(a) of Solid Waste Disposal Act, as amended.
2. **TO WHOM DELEGATED.** Assistant administrator for Land and Emergency Management and Regional Administrators.
3. **LIMITATIONS.** Before a delisting petition can be granted or denied by a regional administrator or his/her designee, advance consultation with the AA for Land and Emergency Management, or his/her designee is required.
4. **REDELEGATION AUTHORITY.**
 - a. The AA for Land and Emergency Management may redelegate this authority to the director, Office of Resource Conservation and Recovery, who may redelegate to the deputy director, Office of Resource Conservation and Recovery.
 - b. The RAs may redelegate this authority to the division directors or equivalent in their respective regions who are responsible for permitting programs under the Resource Conservation and Recovery Act.
 - c. This authority may not be redelegated further than specified.
 - d. An official who redelegates this authority retains the right to exercise or withdraw this authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been officially delegated.
5. **REFERENCES.** None.



Delegation of Authority

8-19. Actions on De-listing Petitions to Exclude a Waste Produced at a Particular Facility

1200 TN 418

10/10/95

1. **AUTHORITY.** To grant or deny petitions to exclude (delist), from the hazardous waste regulations, a waste produced at a particular facility, in accordance with Subpart C, Sections 260.20 and 260.22 of the Hazardous Waste Management System Rules and Regulations promulgated under Sections 3001 and 7004(a) of SWDA, as amended.
2. **TO WHOM DELEGATED.** Assistant Administrator for Land and Emergency Management and Regional Administrators.
3. **LIMITATIONS.** Before a delisting petition can be granted or denied by a Regional Administrator or his/her designee, advance consultation with the Assistant Administrator for Land and Emergency Management, or his/her designee is required.
4. **REDELEGATION AUTHORITY.**
 - a. The Assistant Administrator for Land and Emergency Management may redelegate this authority to the Director, Office of Resource Conservation and Recovery, who may redelegate to the Deputy Director, Office of Resource Conservation and Recovery.
 - b. The Regional Administrators may redelegate this authority to the Division Directors or equivalent in their respective regions who are responsible for permitting programs under the Resource Conservation and Recovery Act.
 - c. This authority may not be redelegated further than specified.
 - d. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **REFERENCES.** None.



Delegation of Authority

8-17. Solid Waste Management Technical Training Assistance

1200 TN 400 8-17

6/16/95

Administrative Update 10/20/2016

1. **AUTHORITY.** To approve grants to any state or interstate agency, municipality, educational institution, or organization capable of effectively carrying out a training project (no profit makers) as defined in the Solid Waste Disposal Act, Section 7007(a) for solid waste management pursuant to Section 7007(b) supplemented, as appropriate, for international awards by the National Environmental Policy Act, Section 102 (2) (F).
2. **TO WHOM DELEGATED.** The Assistant Administrator for Land and Emergency Management, the Assistant Administrator for Research and Development, and the Regional Administrators.
3. **LIMITATIONS.**
 - a. Approval of grants or cooperative agreements funded with the research and development appropriation is limited to the Assistant Administrator for Research and Development or his/her designee and is further limited to multi-disciplinary training assistance initiated and funded by ORD.
 - b. The delegated authority for research and development is limited to activities directly contributing to the implementation of the mission of the office and consistent with congressionally approved budget requests.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Federal Grant and Cooperative Agreement Act of 1977;
 - b. 40 CFR Parts 30, 31, 32, 34 and 45;
 - c. EPA's Assistance Administration Manual, including Chapter 7, Assistance to Project Activities Outside the United States, which requires OIA and State Department concurrence (Chapter 5700, Subpar. 1 (C) (2) and (3); and

- d. Delegation 1-14, which gives the authority to award execute (sign) grants and cooperative agreements to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level.



Delegation of Authority

8-17. Solid Waste Management Technical Training Assistance

1200 TN 400 8-17
6/16/95

1. **AUTHORITY.** To approve grants to any state or interstate agency, municipality, educational institution, or organization capable of effectively carrying out a training project (no profit makers) as defined in the Solid Waste Disposal Act, Section 7007(a) for solid waste management pursuant to Section 7007(b) supplemented, as appropriate, for international awards by the National Environmental Policy Act, Section 102 (2) (F).
2. **TO WHOM DELEGATED.** The Assistant Administrator for Land and Emergency Management, the Assistant Administrator for Research and Development, and the Regional Administrators.
3. **LIMITATIONS.**
 - a. Approval of grants or cooperative agreements funded with the research and development appropriation is limited to the Assistant Administrator for Research and Development or his/her designee and is further limited to multi-disciplinary training assistance initiated and funded by ORD.
 - b. The delegated authority for research and development is limited to activities directly contributing to the implementation of the mission of the office and consistent with congressionally approved budget requests.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Federal Grant and Cooperative Agreement Act of 1977;
 - b. 40 CFR Parts 30, 31, 32, 34 and 45;
 - c. EPA's Assistance Administration Manual, including Chapter 7, Assistance to Project Activities Outside the United States, which requires OIA and State Department concurrence (Chpt. 7, Subpar. 1 (C) (2) and (3); and
 - d. Delegation 1-14, which gives the authority to award execute/sign) grants and cooperative agreements to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Approved 1/18/2017 -

MEMORANDUM

SUBJECT: Delegation of Authority 8-16, Employment Shifts and Loss

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

8-16. Employment Shifts and Loss (1200 TN 350 8-16)

1. **AUTHORITY.** To conduct investigations and evaluations of potential loss or shifts of employment, provide for public hearings and make findings of fact concerning threatened plant closures or reductions in employment pursuant to the SWDA, including section 7001(e), and Section 554, Title 5 of the United States Code.
2. **TO WHOM DELEGATED.** Assistant administrator for Enforcement and Compliance Assurance and assistant administrator for Land and Emergency Management.
3. **LIMITATIONS.** The authority delegated to the assistant administrator for OLEM is limited to conducting investigations and evaluations of potential loss or shifts in employment resulting from administration of provisions of the SWDA.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Approved 1/18/2017 -

MEMORANDUM

SUBJECT: Delegation of Authority 8-15, Distribution of Federal Financial Assistance Within States

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

8-15. Distribution of Federal Financial Assistance Within States (1200 TN 350 8-15)

1. AUTHORITY.

- a. To approve grants for states, regional authorities, and interstate authorities for distribution to local governments within states for carrying out planning and implementation of the state plan;
- b. To approve grants to special communities; to approve grants to states to provide assistance to rural communities;
- c. To approve grants to local governments; and
- d. Pursuant to sections 4007, 4008, and 4009 of the Solid Waste Disposal Act (SWDA), to approve or disapprove state program submittals.

2. TO WHOM DELEGATED. Assistant administrator for Land and Emergency Management, assistant administrator for Enforcement and Compliance Assurance and regional administrators.

3. LIMITATIONS.

- a. The assistant administrator for OLEM and the assistant administrator for OECA must notify the appropriate regional administrator prior to exercising any of these authorities.
- b. The regional administrator must notify the assistant administrator for OLEM and the assistant administrator for OECA prior to exercising any of these authorities. The assistant administrator

for OLEM and the assistant administrator for OECA may waive the notification requirement in writing.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the division director level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None



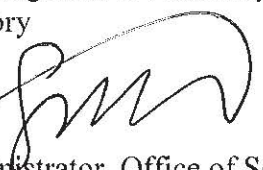
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 12 2014

MEMORANDUM

SUBJECT: Approval of Delegation of Authority 8-11, Federal Hazardous-Waste Facility Inventory

FROM: Gina McCarthy 

TO: Assistant Administrator, Office of Solid Waste and Emergency Response

I hereby delegate to the assistant administrator for the Office of Solid Waste and Emergency Response the authority to receive hazardous-waste inventories prepared by federal agencies and to carry out the inventory program for an agency pursuant to Section 3016 of the Solid Waste Disposal Act.

8-11 Federal Hazardous-Waste Facility Inventory (1200 TN 427)

1. **AUTHORITY.** To receive inventories prepared by federal agencies that own or operate or have owned or operated sites at which hazardous waste is stored, treated or disposed of or has been disposed of at any time and to carry out the inventory program for an agency pursuant to Section 3016 of Solid Waste Disposal Act.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Solid Waste and Emergency Response.
3. **LIMITATIONS.** None.
4. **REDELEGATION.** This authority may be redelegated through the director of the Federal Facilities Restoration and Reuse Office to her or his staff. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of delegated authority. An official who redelegates authority may revoke such redelegation at any time.
5. **REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

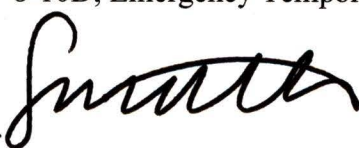
WASHINGTON, D.C. 20460

JAN 12 2017

MEMORANDUM

SUBJECT: Delegation of Authority 8-10D, Emergency Temporary Restraining Orders

FROM: Gina McCarthy

TO: Assistant Administrator 
Office of Enforcement and Compliance Assurance

Regional Administrators

8-10D. Emergency Temporary Restraining Orders (1200 TN 350 8-10D)

1. **AUTHORITY.** Pursuant to the Solid Waste Disposal Act, including Sections 3008, 3013 and 7003, to refer requests for emergency temporary restraining orders under the SWDA to the U.S. Department of Justice and to the appropriate U.S. Attorney.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. The regional administrator must obtain the advance concurrence of the regional counsel or equivalent on the legal sufficiency of the referral before exercising this authority. The regional counsel or equivalent may waive concurrence in writing.
 - b. The regional administrators must notify the assistant administrator for OECA before exercising this authority. The assistant administrator for OECA may waive the requirement for notification in writing.
 - c. The assistant administrator for OECA must notify the appropriate regional administrator before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division-director level or equivalent and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to

whom it has been specifically redelegated.

5. REFERENCES.

- a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).
- b. For referral of other civil actions under SWDA, see the Chapter 8 delegation titled "Civil Judicial Enforcement Actions."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 8-10C, Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions

FROM: Gina McCarthy 

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

**8-10C. Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions
(1200 TN 350 8-10C)**

1. AUTHORITY.

- a. To exercise the U.S. Environmental Protection Agency's concurrence in the settlement of civil judicial enforcement actions under the Solid Waste Disposal Act (SWDA); and
- b. To request the attorney general to amend a consent decree under the SWDA.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. For cases initiated by the regional administrators, the assistant administrator for OECA must consult obtain the concurrence of the appropriate regional administrator before exercising this authority.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the OECA division-director level, or equivalent, and to the regional counsel, or equivalent, and no further, except that these authorities with regard to multiregional bankruptcy settlements and multiregional insurance receivership settlements may be redelegated only within OECA.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None.

8-10B. Criminal Enforcement Actions

1200 TN 350

07/20/2016

1. **AUTHORITY.** To cause criminal enforcement matters under the Solid Waste Disposal Act to be referred to the Department of Justice for assistance in field investigation, for initiation of a grand jury investigation or for prosecution under SWDA.
2. **TO WHOM DELEGATED.** Assistant administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the deputy assistant administrator level, and to the director, Office of Criminal Enforcement; may be further redelegated to the division director level; and may not be redelegated further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Sections 3008(d) and 3008(e) of SWDA.
 - b. Subtitle I of SWDA.

8-10A. Civil Judicial Enforcement Actions

1200 TN 350

07/20/2016

1. **AUTHORITY.** To appear and represent the agency, where appropriate, in civil judicial enforcement actions exclusive of appeals; to request the Attorney General to appear and represent the agency in any civil enforcement action and to intervene in any civil enforcement action instituted under the Solid Waste Disposal Act, as amended; to give notice of any such suit to the appropriate state; to request the Attorney General to decline to prosecute a previously referred civil enforcement action; and to request the Attorney General to initiate an appeal of a decision in a civil enforcement action under the SWDA and represent the agency in such an appeal.
2. **TO WHOM DELEGATED.** Regional administrators, assistant administrator for Enforcement and Compliance Assurance and the General Counsel.
3. **LIMITATIONS.**
 - a. The regional administrators may exercise this authority only in regard to causing civil actions to be commenced and intervening in civil actions under SWDA, requesting the Attorney General to appear and represent the Agency in civil actions under SWDA, and, where appropriate, appearing and representing the agency in civil actions under SWDA exclusive of appeals. The regional administrators may designate only regional counsel attorneys to represent the agency.
 - b. The regional administrators may exercise this authority only in cases specified in and in accordance with written agreements between authorized representatives of the agency and the Department of Justice.
 - c. The assistant administrator for Enforcement must notify the assistant administrator for Land and Emergency Management and the appropriate regional administrator prior to initiating or intervening in a civil action under SWDA, requesting that the Attorney General decline to prosecute a previously referred civil enforcement action under SWDA, requesting that the Attorney General initiate or intervene in a civil action instituted under SWDA, or formally initiating an appeal.
 - d. The General Counsel may only exercise this authority with regard to appeals.
 - e. Any exercise of appeal authority will be by the General Counsel and the assistant administrator for Enforcement.
 - f. The regional administrators must notify the assistant administrator for Land and Emergency Management and the assistant administrator for Enforcement prior to the time they refer cases to the Department of Justice.

4. **REDELEGATION AUTHORITY.**

a. The assistant administrator for Enforcement and Compliance Assurance and the General Counsel may redelegate this authority to the deputy assistant administrator level and to the division director level. Regional administrators may redelegate this authority to the regional counsel.

b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

a. Memorandum of Understanding between the agency and the Department of Justice, June 1977.

b. SWDA Sections 3008, 3013, 7003, 9006.

c. See the Chapter 8 delegation entitled, "Emergency TRO's" for regional administrators' authority to make direct referrals of requests for emergency SWDA temporary restraining orders.

Delegation of Authority

1200 TN 350 8-9B

05/11/1994

Administrative Update 02/04/2016

8-9B. Administrative Enforcement: Agency Representation In Hearings and Signing of Consent Agreements

1. AUTHORITY.

- a. To represent the Agency in administrative enforcement actions conducted under the Solid Waste Disposal Act (SWDA) and 5 U.S.C. Section 554.
- b. To negotiate consent agreements between the Agency and respondents resulting from such enforcement action; and to initiate an appeal from an administrative determination and represent the Agency in such appeals.
- c. To sign consent agreements between the Agency and respondents resulting from such enforcement action.

2. TO WHOM DELEGATED. Assistant Administrator for Enforcement and Compliance Assurance and the Regional Administrators.

3. LIMITATIONS.

- a. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities in cases initiated by Headquarters, in multi-Regional cases or cases of national significance.
- b. The Regional Administrators may exercise the authority only for those cases initiated by the Regions.
- c. The Regional Administrators or their delegates must consult with the Assistant Administrator for Enforcement and Compliance Assurance prior to initiating an appeal.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated.
- b. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Sections 3001(b)(3)(B)(iv) and 3008 (except 3008(h) of SWDA; 40 CFR 22.
- b. See the Chapter 8 Delegation entitled, "Administrative Enforcement - Corrective Action: Agency Representation In Hearings and Signing of Consent Agreements."

Delegation of Authority

1200 TN 350 8-9A

05/11/1994

Administrative Update 02/04/2016

8-9A. Administrative Enforcement: Issuance of Complaints, Signing of Consent Agreements, etc.

1. **AUTHORITY.** Pursuant to the Solid Waste Disposal Act (SWDA): to make determinations of violations of Subtitle C; to issue warning letters or other notices; to issue compliance orders; to issue notices to States; to issue complaints; and to negotiate and sign consent agreements memorializing settlements between the Agency and respondents.
2. **TO WHOM DELEGATED.** Regional Administrators and Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities for cases initiated by Headquarters, in multi-Regional cases or cases of national significance, and must notify any affected Regional Administrators or their designees when exercising any of the above authorities.
 - b. The Regional Administrators may exercise these authorities only for those cases initiated by the Regions. The delegates of the Regional Administrators must consult with the Regional Counsels or their designees prior to issuing complaints.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated.
 - b. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Sections 3001(b)(3)(B)(iv) and 3008 (except 3008(h)) of SWDA.
 - b. See the Chapter 8 Delegations entitled:
 1. "Determination That There Is or Has Been a Release";
 2. "Administrative Enforcement - Corrective Action Authority: Issuance of Complaints and Orders, Signing of Consent Agreements"; and
 3. "Administrative Enforcement - Corrective Action: Agency Representation in Hearings and Signing of Consent Agreements."



Delegation of Authority

8-8. Inspections and Information Gathering

1200 TN 350 8-8
5/11/94

1. **AUTHORITY.** Pursuant to the SWDA:
 - a. To enter, inspect and obtain samples from any establishment or other place where hazardous or other wastes are or have been generated, stored, treated, disposed of or transported from; to inspect and have access to and copy all records related to such waste; to request any establishment or other place where hazardous wastes are or have been generated, stored, treated, disposed of or transported from; to furnish information relating to such waste; and, to conduct monitoring and testing under Section 3001 of the SWDA.
 - b. To request the Department of Justice to obtain and execute warrants for the purpose of performing inspections and information gathering.
 - c. To carry out or require the carrying out of any other inspection and information gathering activities authorized by the SWDA.
 - d. To designate representatives of the Administrator to perform the functions specified in subparagraphs a, b, and c above.
2. **TO WHOM DELEGATED.** Regional Administrators; Assistant Administrator for Land and Emergency Management, Assistant Administrator for Air and Radiation, Assistant Administrator for Enforcement and Compliance Assurance, and Assistant Administrator for Water.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for Land and Emergency Management, the Assistant Administrator for Air and the Assistant Administrator for Water must consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee and delegates of the Regional Administrators must consult with the Regional Counsels or their designees prior to requesting warrants.
 - b. The Assistant Administrator for Land and Emergency Management, the Assistant Administrator for Air and Radiation, the Assistant Administrator for Water and the Assistant Administrator for Enforcement and Compliance Assurance must notify the appropriate Regional Administrator prior to exercising any of the authorities specified in subparagraphs 1.a., 1.b., and 1.c..
 - c. The Assistant Administrator for Air and Radiation can exercise this authority only for the purposes of developing air emission regulations for hazardous waste treatment, storage, and disposal facilities.

- d. The Assistant Administrator for Water can exercise this authority only for the purposes of conducting studies under Section 3018 of the SWDA.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated.
- b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Section 3007 and Section 3001(b)(3)(B) of the SWDA.
- b. See also Section 3013 of the SWDA for authority to require monitoring, testing, analysis, and reporting.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Approved 1/18/2017 -

MEMORANDUM

SUBJECT: Delegation of Authority 8-5, Notification and Reporting by Persons Exporting Hazardous Waste

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the name in the "FROM:" field.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

8-5. Notification and Reporting by Persons Exporting Hazardous Waste (1200 TN 350 8-5)

1. AUTHORITY.

- a. To receive notification and to receive annual reports from persons exporting hazardous waste pursuant the Solid Waste Disposal Act (SWDA), including Section 3017.
- b. To notify exporters of a receiving country's consent or objection (or any subsequent communication withdrawing a prior consent or objection) in response to a notification of intent to export.

2. TO WHOM DELEGATED. Assistant administrator for Enforcement and Compliance Assurance.

3. LIMITATIONS. None

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the section chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None



Delegation of Authority

SOLID WASTE DISPOSAL ACT (SWDA)

8-3. State Underground Storage Tank Programs

1200 TN 138
02/26/2010

1. **AUTHORITY.** Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to perform all actions necessary to approve, disapprove or withdraw approval of State underground storage tank programs, withdraw approval of State financial assurance funds as financial responsibility mechanisms without withdrawing approval of State underground storage tank programs, and to approve or disapprove revisions to approved State programs pursuant to Section 9004 of SWDA, including but not limited to the authority to issue notices, provide for public hearings and publish findings.
2. **TO WHOM DELEGATED.** Regional Administrators.
3. **LIMITATION.**
 - a. The term "State funds" refers only to programs that States operate to finance corrective action with State revenue.
 - b. Before the Regional Administrator exercises any of the above authorities, the Regional Administrator, or designee, must consult with the Assistant Administrator for Land and Emergency Management, or designee, or the Office Director for Underground Storage Tanks, or designee.
4. **REDELEGATION AUTHORITY.** This authority may not be redelegated. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** EPA Order 1000.23, "Agency Policy on State Program Approval Process."



Delegation of Authority

1200 TN 432

11/24/2009

TOXIC SUBSTANCES CONTROL ACT

12-33. Accreditation of Training Programs under Section 404

1. **AUTHORITY.** In States or Indian Country without authorized Accreditation and Certification Programs under section 404 of the Toxic Substances Control Act (TSCA), the authority:
 - a. To grant or deny accreditation or reaccreditation to training programs offering courses in any of the following disciplines: lead inspector, lead risk assessor, lead supervisor, lead project designer, or lead abatement worker [40 CFR 745.225];
 - b. To grant or deny accreditation or reaccreditation to training programs offering courses in either of the following disciplines: renovator or dust sampling technician [40 CFR 745.225].
 - c. To suspend, revoke, or modify accreditation of training programs if the training program, training manager, or other person with supervisory authority over the training program commits any of the acts identified in 40 CFR 745.225(g).
2. **TO WHOM DELEGATED.** The Regional Administrators.
3. **LIMITATIONS.** Before exercising the authority in 1.b. above, the Regional Administrator must consult with the Assistant Administrator for Chemical Safety and Pollution Prevention, unless and until such consultation requirement is waived by memorandum.
4. **REDELEGATION AUTHORITY.** The Regional Administrators may redelegate these authorities to the Regional Branch Chief level or its equivalent and no further. The Assistant Administrator for Chemical Safety and Pollution Prevention may redelegate this authority to consult to the Branch Chief level and no further.
5. **ADDITIONAL REFERENCES.**
 - a. Title X, the Housing and Community Development Act of 1992, Public Law 102-550 (also known as "the Residential Lead-Based Paint Hazard Reduction Act of 1992"), which amended the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601) by adding Title IV - Lead Exposure Reduction.
 - b. 40 CFR part 745.



Delegation of Authority

1200 TN 432

11/24/2009

TOXIC SUBSTANCES CONTROL ACT

12-33. Accreditation of Training Programs under Section 404

1. **AUTHORITY.** In States or Indian Country without authorized Accreditation and Certification Programs under section 404 of the Toxic Substances Control Act (TSCA), the authority:
 - a. To grant or deny accreditation or reaccreditation to training programs offering courses in any of the following disciplines: lead inspector, lead risk assessor, lead supervisor, lead project designer, or lead abatement worker [40 CFR 745.225];
 - b. To grant or deny accreditation or reaccreditation to training programs offering courses in either of the following disciplines: renovator or dust sampling technician [40 CFR 745.225].
 - c. To suspend, revoke, or modify accreditation of training programs if the training program, training manager, or other person with supervisory authority over the training program commits any of the acts identified in 40 CFR 745.225(g).
2. **TO WHOM DELEGATED.** The Regional Administrators.
3. **LIMITATIONS.** Before exercising the authority in 1.b. above, the Regional Administrator must consult with the Assistant Administrator for Prevention, Pesticides, and Toxic Substances, unless and until such consultation requirement is waived by memorandum.
4. **REDELEGATION AUTHORITY.** The Regional Administrators may redelegate these authorities to the Regional Branch Chief level or its equivalent and no further. The Assistant Administrator for Prevention, Pesticides, and Toxic Substances may redelegate this authority to consult to the Branch Chief level and no further.
5. **ADDITIONAL REFERENCES.**
 - a. Title X, the Housing and Community Development Act of 1992, Public Law 102-550 (also known as [the Residential Lead-Based Paint Hazard Reduction Act of 1992]), which amended the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601) by adding Title IV - Lead Exposure Reduction.
 - b. 40 CFR part 745.



Delegation of Authority

1200 TN 432

11/24/2009

TOXIC SUBSTANCES CONTROL ACT

12-32. Accreditation and Certification Fees Under Section 402(a)(3)

1. **AUTHORITY.** To promulgate regulations establishing, imposing, revising, or waiving accreditation and certification fees under section 402(a)(3) of the Toxic Substances Control Act (TSCA).
2. **TO WHOM DELEGATED.** The Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** This authority is limited to signature of section 402(a)(3) rulemaking-related Federal Register notices that have received all requisite concurrences within the Office of Chemical Safety and Pollution Prevention (as determined by the AA, Office of Chemical Safety and Pollution Prevention), and concurrences from the Office of General Counsel (OGC) and the Office of Policy (OP).
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Office Director, Office of Pollution Prevention and Toxics and no further.
5. **ADDITIONAL REFERENCES.**
 - a. Title X, the Housing and Community Development Act of 1992, Public Law 102-550 (also known as the Residential Lead-Based Paint Hazard Reduction Act of 1992), which amended the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601) by adding Title IV - Lead Exposure Reduction.
 - b. 40 CFR part 745.



Delegation of Authority

1200 TN 432

11/24/2009

TOXIC SUBSTANCES CONTROL ACT

12-32. Accreditation and Certification Fees Under Section 402(a)(3)

1. **AUTHORITY.** To promulgate regulations establishing, imposing, revising, or waiving accreditation and certification fees under section 402(a)(3) of the Toxic Substances Control Act (TSCA).
2. **TO WHOM DELEGATED.** The Assistant Administrator for Prevention, Pesticides, and Toxic Substances (AA/OPPTS).
3. **LIMITATIONS.** This authority is limited to signature of section 402(a)(3) rulemaking-related Federal Register notices that have received all requisite concurrences within OPPTS (as determined by the AA/OPPTS), and concurrences from the Office of General Counsel (OGC) and the Office of Policy, Economics, and Innovation (OPEI).
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Office Director, Office of Pollution Prevention and Toxics and no further.
5. **ADDITIONAL REFERENCES.**
 - a. Title X, the Housing and Community Development Act of 1992, Public Law 102-550 (also known as "the Residential Lead-Based Paint Hazard Reduction Act of 1992"), which amended the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601) by adding Title IV - Lead Exposure Reduction.
 - b. 40 CFR part 745.



Delegation of Authority

1200 TN 432

11/24/2009

TOXIC SUBSTANCES CONTROL ACT

12-31. Authorization of State and Tribal Programs under Section 404

1. **AUTHORITY.** The functions and responsibilities related to the authorization of State and Tribal Programs under section 404 of the Toxic Substances Control Act (TSCA), including but not limited to the following functions:
 - a. To process applications, including publication of notices of receipt in the Federal Register, for the authorization of State or Tribal programs submitted under TSCA section 404(a) by any State or Tribe seeking to administer and enforce a program under TSCA section 404.
 - b. To approve or disapprove under TSCA section 404(b) an application for the authorization of a State or Tribal program submitted by any State or Tribe seeking to administer and enforce a program under TSCA section 404.
 - c. To withdraw authorization of a State or Tribal program under TSCA section 404(c) if a State or Tribe is not administering and enforcing a program in compliance with the standards, regulations and other requirements under TSCA, Title IV, section 404.
2. **TO WHOM DELEGATED.** The Regional Administrators.
3. **LIMITATIONS.** Before exercising these authorities, the Regional Administrators must:
 - a. With respect to determinations pertaining to the approval or disapproval of any program application pursuant to which a State or Tribe seeks to administer or enforce standards, regulations, or other requirements established under TSCA sections 402(a) or 406(b), and to determinations pertaining to the withdrawal of any program pursuant to which a State or Tribe is authorized, or is deemed to be authorized, to administer or enforce TSCA sections 402(a) or 406(b) standards, regulations, or other requirements, consult with the Assistant Administrator for Chemical Safety and Pollution Prevention, and the Assistant Administrator for Enforcement and Compliance Assurance or their respective designees.

- b. With respect to determinations pertaining to the approval or disapproval of any program application pursuant to which a State or Tribe seeks to administer or enforce standards, regulations, or other requirements established under TSCA section 402(c)(3) and to determinations pertaining to the withdrawal of any program pursuant to which a State or Tribe is authorized, or is deemed to be authorized, to administer or enforce TSCA section 402(c)(3) standards, regulations, or other requirements, obtain concurrence from the Assistant Administrator for Prevention, Pesticides, and Toxic Substances, unless and until such concurrence requirement is waived in writing by the Assistant Administrator for Chemical Safety and Pollution Prevention. Prior to providing concurrence or waiving the concurrence requirement, the Assistant Administrator must consult with the General Counsel and the Assistant Administrator for Enforcement and Compliance Assurance or their respective designees.
- 4. **REDELEGATION AUTHORITY.** The Regional Administrators may redelegate these authorities to the Regional Division or Program Director level and no further. The Assistant Administrator for Chemical Safety and Pollution Prevention may redelegate the authority to concur to the Branch Chief level and no further.
- 5. **ADDITIONAL REFERENCES.**
 - a. Title X of the Housing and Community Development Act of 1992, Public Law 102-550 (also known as the Residential Lead-Based Paint Hazard Reduction Act of 1992), which amended the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601) by adding Title IV - Lead Exposure Reduction.
 - b. 40 CFR part 745.



Delegation of Authority

1200 TN 432

11/24/2009

TOXIC SUBSTANCES CONTROL ACT

12-31. Authorization of State and Tribal Programs under Section 404

1. **AUTHORITY.** The functions and responsibilities related to the authorization of State and Tribal Programs under section 404 of the Toxic Substances Control Act (TSCA), including but not limited to the following functions:
 - a. To process applications, including publication of notices of receipt in the Federal Register, for the authorization of State or Tribal programs submitted under TSCA section 404(a) by any State or Tribe seeking to administer and enforce a program under TSCA section 404.
 - b. To approve or disapprove under TSCA section 404(b) an application for the authorization of a State or Tribal program submitted by any State or Tribe seeking to administer and enforce a program under TSCA section 404.
 - c. To withdraw authorization of a State or Tribal program under TSCA section 404(c) if a State or Tribe is not administering and enforcing a program in compliance with the standards, regulations and other requirements under TSCA, Title IV, section 404.
2. **TO WHOM DELEGATED.** The Regional Administrators.
3. **LIMITATIONS.** Before exercising these authorities, the Regional Administrators must:
 - a. With respect to determinations pertaining to the approval or disapproval of any program application pursuant to which a State or Tribe seeks to administer or enforce standards, regulations, or other requirements established under TSCA sections 402(a) or 406(b), and to determinations pertaining to the withdrawal of any program pursuant to which a State or Tribe is authorized, or is deemed to be authorized, to administer or enforce TSCA sections 402(a) or 406(b) standards, regulations, or other requirements, consult with the Assistant Administrator for Prevention, Pesticides, and Toxic Substances and the Assistant Administrator for Enforcement and Compliance Assurance or their respective designees.

- b. With respect to determinations pertaining to the approval or disapproval of any program application pursuant to which a State or Tribe seeks to administer or enforce standards, regulations, or other requirements established under TSCA section 402(c)(3) and to determinations pertaining to the withdrawal of any program pursuant to which a State or Tribe is authorized, or is deemed to be authorized, to administer or enforce TSCA section 402(c)(3) standards, regulations, or other requirements, obtain concurrence from the Assistant Administrator for Prevention, Pesticides, and Toxic Substances, unless and until such concurrence requirement is waived in writing by the Assistant Administrator for Prevention, Pesticides, and Toxic Substances. Prior to providing concurrence or waiving the concurrence requirement, the Assistant Administrator must consult with the General Counsel and the Assistant Administrator for Enforcement and Compliance Assurance or their respective designees.
- 4. **REDELEGATION AUTHORITY.** The Regional Administrators may redelegate these authorities to the Regional Division or Program Director level and no further. The Assistant Administrator for Prevention, Pesticides, and Toxic Substances may redelegate the authority to concur to the Branch Chief level and no further.
- 5. **ADDITIONAL REFERENCES.**
 - a. Title X of the Housing and Community Development Act of 1992, Public Law 102-550 (also known as the Residential Lead-Based Paint Hazard Reduction Act of 1992), which amended the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601) by adding Title IV - Lead Exposure Reduction.
 - b. 40 CFR part 745.



Delegation of Authority

TOXIC SUBSTANCES CONTROL ACT (TSCA)

12-29. Lead Exposure Reduction Grants and Cooperative Agreements

1200 TN 348
4/15/94

1. **AUTHORITY.** Pursuant to Title IV, Section 404(g) of the Toxic Substances Control Act (TSCA), to approve grants and cooperative agreements with states, territories, and Indian Governing Bodies to develop, carry out authorized programs to administer and enforce the standards, regulations and other requirements established under Sections 402 and 406 of TSCA.
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention and Regional Administrators.
3. **LIMITATIONS.** Grants and grants and cooperative agreements to Indian Governing Bodies cannot be approved pursuant to Section 404(g) until promulgation of final regulations that provide Indian Governing Bodies will be treated in the same manner as States.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Division Director level and no further. This authority may be exercised by any person in the chain of command down to the person to whom it has been delegated. Any redelegation of this authority does not divest the official making the redelegation from the power to exercise this authority.

5. ADDITIONAL REFERENCES.

The Federal Grant and Cooperative Agreement Act of 1977.

40 CFR Parts 31 and 32.

The EPA Assistance Administration Manual.

Delegation 1-14, Assistance Agreements, which gives the authority to award (execute/sign) grants and cooperative agreements to the Director, Grants And Disbarment Division, with further redelegation authorized to the Branch Chief level.

12-28. Emergency Planning and Community Right to Know Enforcement Programs: Assistance to States and Indian Tribes

1200 TN 496 12-28

Approved 01/28/2000

Administrative Update 02/01/2017

- 1. AUTHORITY.** To approve grants or cooperative agreements to:
 - a. States, defined to include the fifty States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands, under Section 28 of the Toxic Substances Control Act, and
 - b. Indian Tribes under Section 10 of TSCA, to support the establishment of tribal enforcement and compliance monitoring programs comparable to the authority of Section 313 of the Emergency Planning and Community Right-to-Know Act.
- 2. TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention, the assistant administrator for the Office of Enforcement and Compliance Assurance, and regional administrators.
- 3. LIMITATION.** All grant or cooperative agreement proposals must be related to activities involving chemicals subject to regulation under TSCA.
- 4. REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level, or equivalent, and no further.
 - b. An official who redelegates this authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
- 5. ADDITIONAL REFERENCES.**
 - a. 40 CFR Part 200, and Part 1500.
 - b. 40 CFR Part 29.
 - c. Delegation 1-14-A.
 - d. Emergency Planning and Community Right-to-Know Act Section 313.



Delegation of Authority

1200 TN 246
03/03/1991

12-27. Responses to Section 21 Petitions

1. **AUTHORITY.** Pursuant to Section 21 of the Toxic Substances Control Act, to evaluate and issue:
 - a. Decisions to grant a citizen's petition;
 - b. Decisions to deny a citizen's petition; and
 - c. Decisions to partially grant or otherwise resolve a citizen's petition.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for Chemical Safety and Pollution Prevention (AA/OCSP) will notify and offer the opportunity to participate in the review process when a Section 21 petition is received. In particular, the AA/OCSP will consult with other Assistant Administrators when a petition has implications for another office.
 - b. The AA/OCSP will initiate a Red Border Review for denials of Section 21 petitions which require a FEDERAL REGISTER Notice. The Assistant Administrator for Chemical Safety and Pollution Prevention will seek Red Border Review of Petitions granted under Section 21, as appropriate. In the case of non-concurrence on the part of any reviewing official, the authority to sign the response to the petition will revert to the EPA Administrator, if it cannot be resolved at the AA level.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Director of Office of Pollution Prevention and Toxics.
5. **ADDITIONAL REFERENCES.**
 - a. Toxic Substances Control Act, Section 21.
 - b. Agency Delegations Manual, Delegation 1-21.



Delegation of Authority

12-26. Chemical Emergency Planning and Preparedness, Prevention, and Right-to-Know Programs: Assistance to States

1200 TN 229

7/26/90

Administrative Update 11/30/2016

1. **AUTHORITY.** To approve grants or cooperative agreements to States, defined to include the fifty States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands, to enhance their Chemical Emergency Planning and Preparedness, Prevention, and Right-to-Know programs, especially their efforts to provide support to the Local Emergency Planning Committees, under the authority of Section 28 of TSCA.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Land and Emergency Management.
3. **LIMITATION.** All grant or cooperative agreement proposals must be related to activities involving chemicals subject to regulation under TSCA.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR Part 31;
 - b. 40 CFR Part 29;
 - c. Authority to execute (sign) these financial assistance agreements is delegated to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level under Delegation 1-14, Assistance Agreements.



Delegation of Authority

12-26. Chemical Emergency Planning and Preparedness, Prevention, and Right-to-Know Programs: Assistance to States

1200 TN 229

7/26/90

1. **AUTHORITY.** To approve grants or cooperative agreements to States, defined to include the fifty States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands, to enhance their Chemical Emergency Planning and Preparedness, Prevention, and Right-to-Know programs, especially their efforts to provide support to the Local Emergency Planning Committees, under the authority of Section 28 of TSCA.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Land and Emergency Management.
3. **LIMITATION.** All grant or cooperative agreement proposals must be related to activities involving chemicals subject to regulation under TSCA.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR Part 31;
 - b. 40 CFR Part 29;
 - c. Authority to execute (sign) these financial assistance agreements is delegated to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level under Delegation 1-14, Assistance Agreements.



Delegation of Authority

12-25. Chemical Emergency Planning and Preparedness, Prevention, and Right-to-Know Programs: Assistance to Indian Tribes

1200 TN 229

7/26/90

Administrative Update 11/30/2016

1. **AUTHORITY.** To approve grants or cooperative agreements to federally recognized Indian Tribes to enhance their Chemical Emergency Planning and Preparedness, Prevention, and Right-to-Know Demonstration Projects under the authority of Section 10 of TSCA.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Land and Emergency Management.
3. **LIMITATION.** All grant or cooperative agreement proposals must be related to activities involving chemicals subject to regulation under TSCA.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegate to the division director level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR Part 31;
 - b. 40 CFR Part 29;
 - c. Authority to execute (sign) these financial assistance agreements is delegated to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level under Delegation 1-14, Assistance Agreements.

12-24. Toxic Release Inventory Data Capabilities Program: Assistance to Indian Tribes

1200 TN 496 12-24

Approved 01/28/2000

Administrative Update 02/01/2017

- 1. AUTHORITY.** To approve grants or cooperative agreements to federally recognized Indian tribes for programs regarding Toxic Release Inventory data management, data use, data dissemination and quality assurance under the authority of Section 10 of Toxics Substance Control Act.
- 2. TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention and the assistant administrator for the Office of Enforcement and Compliance Assurance.
- 3. LIMITATIONS.** None.
- 4. REDELEGATION AUTHORITY.**
 - a.** This authority may be redelegated to the division director level, or equivalent, and no further.
 - b.** An official who redelegates authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
- 5. ADDITIONAL REFERENCES.**
 - a.** 2 CFR Part 200; 2 CFR Part 1500;
 - b.** Delegation 1-14-A, and;
 - c.** Emergency Planning and Community Right-to-Know Act Section 313.

12-23. Toxics Release Inventory Data Capabilities Program: Assistance to States

1200 TN 496 12-23

01/28/2000

Administrative Update 09/22/2016

1. **AUTHORITY.** To approve grants or cooperative agreements to States; defined to include the fifty states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands, for programs regarding Toxics Release Inventory data management, data use, data dissemination and quality assurance under the authority of Section 28 of TSCA.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level, or equivalent, and may not be redelegated further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. REFERENCES.

- a. 40 CFR Part 31;
- b. 40 CFR Part 29;
- c. Authority to execute (sign) these financial assistance agreements is delegated to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level under Delegation 1-14, Assistance Agreements; and
- c. Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 11 2016

MEMORANDUM

SUBJECT: Delegation of Authority 12-19, Test Rules, Test Standards and Modifications under Section 4 of the Toxic Substances Control Act

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the name.

TO: James J. Jones, Assistant Administrator
Office of Chemical Safety and Pollution Prevention

I hereby delegate to the assistant administrator for the Office of Chemical Safety and Pollution Prevention the authority to perform functions and responsibilities to publish notices, issuance of test standard and approve test modifications, standards or schedules while conducting tests required under the Toxic Substances Control Act under Section 4 test rules.

12-19. Test Rules, Test Standards and Modifications under Section 4 of the Toxic Substances Control Act (1200 TN 250 12-19)

1. **AUTHORITY.** To carry out the following functions pursuant to Toxic Substances Control Act Sections 4(a) and 4(b);
 - a. To publish in the *Federal Register*:
 1. Proposed and final decisions not to require testing;
 2. Advance notices of proposed rulemaking;
 3. Notices of proposed rulemaking;
 4. Notices of final rulemaking;
 5. Issuance of test standards or test guidelines; and
 6. Annual notices describing all test modifications approved during the preceding year.
 - b. To approve, by letters to test sponsors, the U.S. Environmental Protection Agency's approval of test modifications, test standards or schedules that are requested by test sponsors during the conduct of a test required by a rule issued under Toxic Substances Control Act Section 4.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** This authority is limited as follows:
 - a. The authority in 1.a. is limited to signature of *Federal Register* notices that have completed the requisite Toxic Substances Control Act Section 4 workgroup and the EPA's action-development process and for which any issues leading to non-occurrence

have been resolved. Where respective assistant administrators and the general counsel are unable to resolve the issues, the signature authority will revert to the Deputy Administrator or Administrator.

- b. The authority in 1.b. is limited to approving written requests by test sponsors to modify test standards and schedules in accordance with the regulations in 40 CFR 790.55.

4. REDELEGATION AUTHORITY.

- a. The authority in 1.a. may be redelegated to the office-director level or its equivalent, and no further.
- b. The authority in 1.b. may be redelegated to the branch-chief level or its equivalent, and no further.
- c. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials through the chain of command to the lowest level of delegated authority.
- d. An official who redelegates authority may revoke such redelegation at any time.

5. REFERENCES. None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 11 2016

MEMORANDUM

SUBJECT: Delegation of Authority 12-15, Exemptions from Test Rules

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the name.

TO: James J. Jones, Assistant Administrator
Office of Chemical Safety and Pollution Prevention

I hereby delegate to the assistant administrator for the Office of Chemical Safety and Pollution Prevention the authority to perform functions and responsibilities to grant, deny or terminate exemptions to conduct tests and submit data under the Toxic Substances Control Act under Section 4 test rules.

12-15. Exemptions from Test Rules (1200 TN 103)

1. **AUTHORITY.** To perform the function and responsibility under Toxic Substances Control Act Section 4(c) to grant, deny or terminate exemptions from a requirement to conduct tests and submit data under Section 4(a) test rules.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** This authority is limited as follows:
 - a. The exemptions must involve a test rule that was promulgated under Toxic Substances Control Act Section 4(a).
 - b. The exemption criteria and procedures contained in 40 CFR Part 790 are applied and followed.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the office-director level or its equivalent and may be further redelegated to the branch-chief level or its equivalent, and no further.
 - b. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials through the chain of command to the lowest level of delegated authority.
 - c. An official who redelegates authority may revoke such redelegation at any time.

5. **ADDITIONAL REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 11 2016

MEMORANDUM

SUBJECT: Delegation of Authority 12-13, Notices of Receipt of Test Data under Toxic Substances Control Act Section 4

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends slightly into the "TO:" line.

TO: James J. Jones, Assistant Administrator
Office of Chemical Safety and Pollution Prevention

I hereby delegate to the assistant administrator for the Office of Chemical Safety and Pollution Prevention the authority to publish notices and periodic notices in the *Federal Register* pursuant to the Toxic Substances Control Act Section 4 and negotiated testing programs for received test data.

**12-13. Notices of Receipt of Test Data Under Toxic Substances Control Act Section 4
(1200 TN 103)**

1. **AUTHORITY.** To perform the function and responsibility under Section 4(d) of the Toxic Substances Control Act to publish notices in the *Federal Register* announcing receipt of test data provided under Section 4(a) rules and periodic notices of test data received under negotiated testing programs.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the office-director level or its equivalent and may be further redelegated to the branch-chief level or its equivalent, and no further.
 - b. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials through the chain of command to the lowest level of delegated authority.
 - c. An official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1200 TN 505
04/07/2000

12-12. Section 5(a)(2) Significant New Use Rules

1. **AUTHORITY.** To promulgate Significant New Use Rules (SNURs) (including Notices of Proposed Rulemaking and Notices of Final Rulemaking), pursuant to Section 5(a) (2) of the Toxic Substances Control Act (TSCA).
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention. (AA/OCSP).
3. **LIMITATIONS.**
 - a. This authority is limited to signature of Section 5(a)(2) FEDERAL REGISTER notices which have received all requisite concurrences within OCSP (as determined by the AA/OCSP), and requisite concurrences from the Office of the General Counsel (OGC) and the Office of Policy (OP). If OCSP is unable to resolve issues raised by OGC and/or OP, signature authority will revert to the Administrator or the Deputy Administrator.
 - b. For Section 5(a)(2) regulations which qualify as "minor" rules according to current EPA guidelines, this authority is limited to FEDERAL REGISTER notices which have been concurred upon by offices outside of OCSP that have specifically requested an opportunity to (1) participate in the workgroup for the rule and (2) concur/nonconcur on the rule. If OCSP is unable to resolve issues raised by these offices, signature authority will revert to the Administrator or the Deputy Administrator.
 - c. For Section 5(a)(2) regulations which qualify as "significant" rules according to current EPA guidelines, this authority is limited to FEDERAL REGISTER notices which have been concurred upon by offices outside of OCSP which have chosen to participate in the workgroup for the rule. If OCSP is unable to resolve issues raised by these offices, signature authority will revert to the Administrator or the Deputy Administrator.

- d. For Section 5(a)(2) regulations that apply to chemical substances that are subject to Section 5(e) orders, OCSPP shall provide all offices represented on the inter-office workgroup which reviewed the preceding Section 5(e) order with an opportunity to participate on the workgroup for the rule.

4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Office Director, Office of Pollution Prevention and Toxics (OD/OPPT). This authority may be redelegated further by the OD/OPPT to the OPPT Division Director level, or equivalent, and no further.

5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1200 TN 505

04/07/2000

12-11. Section 8(a) Information-Gathering Rules

1. **AUTHORITY.** To promulgate reporting and record keeping regulations (including Notices of Proposed Rulemaking and Notices of Final Rulemaking) for individual chemical substances and categories of chemical substances, pursuant to Section 8 (a) of the Toxic Substances Control Act (TSCA).
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention (AA/OCSPP).
3. **LIMITATIONS.**
 - a. This authority is limited to signature of Section 8(a) FEDERAL REGISTER notices which have received all requisite concurrences within OCSPP (as determined by the AA/OCSPP), and requisite concurrences from the Office of the General Counsel (OGC) and the Office of Policy (OP). If OCSPP is unable to resolve issues raised by OGC and/or OP, signature authority will revert to the Administrator or the Deputy Administrator.
 - b. For Section 8(a) regulations which qualify as "minor" rules according to current EPA guidelines, this authority is limited to FEDERAL REGISTER notices which have been concurred upon by offices outside of OCSPP that have specifically requested an opportunity to (1) participate in the workgroup for the rule and (2) concur/nonconcur on the rule. If OCSPP is unable to resolve issues raised by these offices, signature authority will revert to the Administrator or the Deputy Administrator.
 - c. For Section 8(a) regulations which qualify as "significant" rules according to current EPA guidelines, this authority is limited to FEDERAL REGISTER notices which have been concurred upon by offices outside of OCSPP which have chosen to participate in the workgroup for the rule. If OCSPP is unable to resolve issues raised by these offices, signature authority will revert to the Administrator or the Deputy Administrator.

- d. These limitations do not apply to Section 8(a) regulations which add chemicals recommended for testing consideration by the Interagency Testing Committee (ITC) to the list of chemicals in 40 CFR 712.30.
- 4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Office Director, Office of Pollution Prevention and Toxics (OD-OPPT). This authority may be redelegated further by the OD-OPPT to the OPPT Division Director level, or equivalent, and no further.
- 5. **ADDITIONAL REFERENCES.** None

12-9. State/Tribal Cooperative Agreements

1200 TN 350

Approved 05/11/1994

Administrative Update 02/01/2017

1. **AUTHORITY.** To approve cooperative agreements with states and federally recognized Indian tribes and tribal organizations for the development, establishment, and operation of toxic substances control projects leading to the prevention or elimination of unreasonable risks to health or the environment pursuant to the Toxic Substances Control Act, including section 10(a) and section 28.
2. **TO WHOM DELEGATED.** Assistant administrator for the Office of Chemical Safety and Pollution Prevention, the assistant administrator for the Office of Enforcement and Compliance Assurance, and regional administrators.
3. **LIMITATIONS.** The assistant administrator for OCSPP and the assistant administrator for OECA must consult with the general counsel prior to exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a) This authority may be redelegated to the division director level, or equivalent, and no further and may not be redelegated further.
 - b) An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 2 CFR Part 200.
 - b. 2 CFR Part 1500.
 - c. Delegation 1-14-A



Delegation of Authority

1200 TN 502
01/09/2008

TOXIC SUBSTANCES CONTROL ACT

12-5. Management of Polychlorinated Biphenyls (PCBs)

1. **AUTHORITY.** To perform the EPA functions and responsibilities pursuant to section 6(e) of the Toxic Substances Control Act (TSCA) and regulations codified in 40 CFR part 750 and part 761, including the following authorities:
 - a. To promulgate rules under TSCA § 6(e)(2)(B) solely related to use;
 - b. To promulgate rules under TSCA § 6(e)(2)(B) solely related to disposal;
 - c. To promulgate rules under TSCA § 6(e)(2)(B) related to both use and disposal;
 - d. To grant or deny exemptions under TSCA § 6(e)(3)(B) solely related to use;
 - e. To grant or deny exemptions under TSCA § 6(e)(3)(B) solely related to disposal;
 - f. To grant or deny exemptions under TSCA § 6(e)(3)(B) related to both use and disposal;
 - g. To carry out the activities in 40 CFR Part 761 solely related to use;
 - h. To carry out the activities in 40 CFR Part 761 solely related to disposal, except authorities necessary to implement the prohibition on open burning of PCBs;
 - i. To implement the prohibition on open burning of PCBs;
 - j. To carry out the activities in 40 CFR Part 761 related to both use and disposal, except authorities necessary to implement the prohibition on open burning of PCBs; and
 - k. To carry out the activities in 40 CFR Part 761 that are assigned by rule to the Regional Administrators.
2. **TO WHOM DELEGATED.**
 - a. The authorities under 1(a), 1(d), 1(g), and 1(i) above are delegated to the Assistant Administrator for Prevention, Pesticides and Toxic Substances.
 - b. The authorities under 1(b), 1(e), and 1(h) are delegated to the Assistant Administrator for Solid Waste and Emergency Response.
 - c. The authorities under 1(c), 1(f), and 1(j) are jointly delegated to both the Assistant

Administrator for Prevention, Pesticides, and Toxic Substances and the Assistant Administrator for Solid Waste and Emergency Response.

- d. The authorities under 1(k) are delegated to the Regional Administrators.

3. LIMITATIONS.

- a. This delegation is limited to the purposes stated herein and may be exercised only within the limitations of applicable law and regulation.
- b. The Regional Administrators may only exercise delegated authorities in regard to facilities which will operate or activities which will take place in only one EPA region.
- c. With respect to the authorities delegated in 2(c), neither the Assistant Administrator for Prevention, Pesticides, and Toxic Substances nor the Assistant Administrator for Solid Waste and Emergency Response may exercise these authorities without approval of the other, unless other procedures for the exercise of these authorities are established by mutual agreement.
- d. This delegation of authority will remain in effect unless superseded by a subsequent delegation.

4. REDELEGATION AUTHORITY.

- a. The authorities under 1(a), 1(b), and 1(c) may not be redelegated.
- b. The Assistant Administrator for Prevention, Pesticides, and Toxic Substances may redelegate the authorities under 1(d) and 1(f) to the Division Directors or equivalent and may not redelegate further.
- c. The Assistant Administrator for Prevention, Pesticides, and Toxic Substances may redelegate the following authorities under 1(g), 1(i), and 1(j) to the Division Directors or equivalent and may not redelegate further:
 - (1) To require, allow, restrict, or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment;
 - (2) To extend the time limits for complying with PCB regulations where the regulations specifically authorize such extensions; and
 - (3) To grant approval for the use of alternative methods that simulate the loaded conditions of in-service use of electromagnets, switches, and voltage regulators.
- d. The Assistant Administrator for Solid Waste and Emergency Response may redelegate the authorities under 1(e) and 1(f) to the Division Directors or equivalent and may not redelegate further.
- e. The Assistant Administrator for Solid Waste and Emergency Response may redelegate the following authorities under 1(h) and 1(j) to the Division Directors or equivalent and

may not redelegate further:

- (1) To approve or deny applications for risk-based sampling, cleanup, storage, decontamination, or disposal of PCBs;
 - (2) To require, allow, restrict, or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment;
 - (3) To request or require information on the nature, location, and extent of PCB contamination;
 - (4) To extend the limits on volume, concentration, or duration for PCB disposal activities where the regulations specifically authorize such extensions;
 - (5) To extend the time limits for complying with PCB regulations where the regulations specifically authorize such extensions;
 - (6) To approve or deny applications to operate PCB commercial storage or disposal facilities;
 - (7) To approve, deny, approve modifications to or release owners or operators from closure plans for commercial storage facilities;
 - (8) To approve changes in ownership or operational control of a commercial storage facility;
 - (9) To confirm the use of validated new decontamination solvents and publish the new solvents and validated decontamination procedures in the Federal Register as provided under 40 CFR § 761.398(a);
 - (10) To review and approve research and development for PCB disposal using 500 pounds or more of PCB material as provided under 40 CFR § 761.60(i)(2); and
 - (11) To draw on a letter of credit under 40 CFR § 761.65(g)(4)(ii) following a final administrative determination pursuant to section 16 of TSCA that the owner or operator has failed to perform final closure in accordance with applicable requirements.
- f. The Regional Administrators may redelegate the authorities under 1(k), as follows:
- i. The following authorities may be redelegated to the Division Directors or equivalent and may not be redelegated further:
 - (1) To grant, deny, and revoke TSCA PCB Coordinated Approvals;
 - (2) To grant an application for a variance from the performance criteria applicable to a boiler that burns used oil;
 - (3) To approve or deny applications for risk-based sampling, cleanup, storage, decontamination, or disposal of PCBs;
 - (4) To require, allow, restrict or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment; and
 - (5) To approve or deny permit applications to operate PCB storage or disposal facilities.
 - ii. The following authorities may be redelegated to the Branch Chief or equivalent and may not be redelegated further:
 - (1) To approve or disapprove a self-implementing cleanup of, or changes to an approved cleanup of, PCB remediation waste;
 - (2) To approve requests to collect a surface sample from a natural gas pipe segment

- or pipeline section where the surface area is $< 100 \text{ cm}^2$;
- (3) To waive notification of commencement of research and development for disposal activity or of self-implementing cleanup of PCB remediation waste;
 - (4) To request or require information or data on the nature, location, and extent of PCB contamination;
 - (5) To approve changes in ownership or operational control of a commercial storage facility;
 - (6) To approve, approve modifications to, or release owners or operators from closure plans for commercial storage facilities; and
 - (7) To extend limits on volume, concentration, or duration for PCB disposal activities and to extend the time limits for complying with PCB regulations, where the regulation specifically authorizes such extensions.

5. ADDITIONAL REFERENCES

- a. For the purpose of this delegation, all terms, such as “disposal,” have the meaning given to them under TSCA. Specifically, any definitions in 40 CFR § 761.3 apply.
- b. “Solely related to use” includes activities solely related to use, as well as those solely related to: storage for use or reuse, manufacture, processing related to manufacture and use, and distribution in commerce related to use or processing for use.
- c. “Solely related to disposal” includes activities solely related to disposal, as well as those solely related to: cleanup, storage for disposal, processing related to disposal, distribution in commerce related to disposal or processing for disposal, and decontamination.
- d. A memorandum from the two Assistant Administrators to their staffs may specify how administration of the PCB program will be managed, including identifying the responsible office for each regulatory provision and clarifying procedures for handling areas of joint and overlapping authority (“Joint Memo”). The Joint Memo and any subsequent mutually agreed upon modifications or memoranda should be consulted where more detail than provided in this delegation is needed. From time to time, the offices may find it necessary to update or amend the Joint Memo.
- e. TSCA PCB compliance monitoring and enforcement activities are overseen by the Office of Enforcement and Compliance Assurance (OECA). See Delegation Nos. 12-1 through 12-3, 12-9 and 12-24.
- f. TSCA grants and cooperative agreement related activities are governed by Delegation Nos. 12-9 and 12-22.

TOXIC SUBSTANCES CONTROL ACT

12-5. Management of Polychlorinated Biphenyls (PCBs)

1200 TN 502
07/202016

1. **AUTHORITY.** To perform the EPA functions and responsibilities pursuant to section 6(e) of the Toxic Substances Control Act (TSCA) and regulations codified in 40 CFR part 750 and part 761, including the following authorities:

- a. To promulgate rules under TSCA § 6(e)(2)(B) solely related to use;
- b. To promulgate rules under TSCA § 6(e)(2)(B) solely related to disposal;
- c. To promulgate rules under TSCA § 6(e)(2)(B) related to both use and disposal;
- d. To grant or deny exemptions under TSCA § 6(e)(3)(B) solely related to use;
- e. To grant or deny exemptions under TSCA § 6(e)(3)(B) solely related to disposal;
- f. To grant or deny exemptions under TSCA § 6(e)(3)(B) related to both use and disposal;
- g. To carry out the activities in 40 CFR Part 761 solely related to use;
- h. To carry out the activities in 40 CFR Part 761 solely related to disposal, except authorities necessary to implement the prohibition on open burning of PCBs;
- i. To implement the prohibition on open burning of PCBs;
- j. To carry out the activities in 40 CFR Part 761 related to both use and disposal, except authorities necessary to implement the prohibition on open burning of PCBs; and
- k. To carry out the activities in 40 CFR Part 761 that are assigned by rule to the regional administrators.

2. **TO WHOM DELEGATED.**

- a. The authorities under 1(a), 1(d), 1(g) and 1(i) above are delegated to the assistant administrator for Chemical Safety and Pollution Prevention.
- b. The authorities under 1(b), 1(e) and 1(h) are delegated to the assistant administrator for the Office of Land and Emergency Management.
- c. The authorities under 1(c), 1(f) and 1(j) are jointly delegated to both the OCSPP AA, and the OLEM AA.
- d. The authorities under 1(k) are delegated to the regional administrators.

3. **LIMITATIONS.**

- a. This delegation is limited to the purposes stated herein and may be exercised only within the limitations of applicable law and regulation.
- b. The RAs may only exercise delegated authorities in regard to facilities which will operate or activities which will take place in only one EPA region.
- c. With respect to the authorities delegated in 2(c), neither the OCSPP AA nor the OLEM AA may exercise these authorities without approval of the other, unless other procedures for the exercise of these authorities are established by mutual agreement.
- d. This delegation of authority will remain in effect unless superseded by a subsequent delegation.

4. **REDELEGATION AUTHORITY.**

- a. The authorities under 1(a), 1(b) and 1(c) may be redelegated to deputy assistant administrators and no further.
- b. The OCSPP AA may redelegate the authorities under 1(d) and 1(f) to the division directors or equivalent and may not redelegate further.
- c. The OCSPP AA may redelegate the following authorities under 1(g), 1(i), and 1(j) to the division directors or equivalent and may not redelegate further:
 - (1) To require, allow, restrict, or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment;
 - (2) To extend the time limits for complying with PCB regulations where the regulations specifically authorize such extensions; and
 - (3) To grant approval for the use of alternative methods that simulate the loaded conditions of in-service use of electromagnets, switches and voltage regulators.
- d. The OLEM AA may redelegate the authorities under 1(e) and 1(f) to the division directors or equivalent and may not redelegate further.
- e. The OLEM AA may redelegate the following authorities under 1(h) and 1(j) to the division directors or equivalent and may not redelegate further:
 - (1) To approve or deny applications for risk-based sampling, cleanup, storage, decontamination, or disposal of PCBs;
 - (2) To require, allow, restrict, or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment;
 - (3) To request or require information on the nature, location, and extent of PCB contamination;
 - (4) To extend the limits on volume, concentration, or duration for PCB disposal activities where the regulations specifically authorize such extensions;

- (5) To extend the time limits for complying with PCB regulations where the regulations specifically authorize such extensions;
 - (6) To approve or deny applications to operate PCB commercial storage or disposal facilities;
 - (7) To approve, deny, approve modifications to or release owners or operators from closure plans for commercial storage facilities;
 - (8) To approve changes in ownership or operational control of a commercial storage facility;
 - (9) To confirm the use of validated new decontamination solvents and publish the new solvents and validated decontamination procedures in the Federal Register as provided under 40 CFR § 761.398(a);
 - (10) To review and approve research and development for PCB disposal using 500 pounds or more of PCB material as provided under 40 CFR § 761.60(i)(2); and
 - (11) To draw on a letter of credit under 40 CFR § 761.65(g)(4)(ii) following a final administrative determination pursuant to section 16 of TSCA that the owner or operator has failed to perform final closure in accordance with applicable requirements.
- f. The RAs may redelegate the authorities under 1(k), as follows:
- i. The following authorities may be redelegated to the division directors or equivalent and may not be redelegated further:
 - (1) To grant, deny, and revoke TSCA PCB Coordinated Approvals;
 - (2) To grant an application for a variance from the performance criteria applicable to a boiler that burns used oil;
 - (3) To approve or deny applications for risk-based sampling, cleanup, storage, decontamination, or disposal of PCBs;
 - (4) To require, allow, restrict or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment; and
 - (5) To approve or deny permit applications to operate PCB storage or disposal facilities.
 - ii. The following authorities may be redelegated to the branch chief or equivalent and may not be redelegated further:
 - (1) To approve or disapprove a self-implementing cleanup of, or changes to an approved cleanup of, PCB remediation waste;
 - (2) To approve requests to collect a surface sample from a natural gas pipe segment or pipeline section where the surface area is < 100 cm²;
 - (3) To waive notification of commencement of research and development for disposal activity or of self-implementing cleanup of PCB remediation waste;
 - (4) To request or require information or data on the nature, location, and extent of PCB contamination;
 - (5) To approve changes in ownership or operational control of a commercial storage facility;
 - (6) To approve, approve modifications to, or release owners or operators from closure plans for commercial storage facilities; and
 - (7) To extend limits on volume, concentration, or duration for PCB disposal activities and to extend the time limits for complying with PCB regulations, where the

regulation specifically authorizes such extensions.

- g. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES**

- a. For the purpose of this delegation, all terms, such as "disposal," have the meaning given to them under TSCA. Specifically, any definitions in 40 CFR § 761.3 apply.
- b. "Solely related to use" includes activities solely related to use, as well as those solely related to: storage for use or reuse, manufacture, processing related to manufacture and use, and distribution in commerce related to use or processing for use.
- c. "Solely related to disposal" includes activities solely related to disposal, as well as those solely related to: cleanup, storage for disposal, processing related to disposal, distribution in commerce related to disposal or processing for disposal, and decontamination.
- d. A memorandum from the two AAs to their staffs may specify how administration of the PCB program will be managed, including identifying the responsible office for each regulatory provision and clarifying procedures for handling areas of joint and overlapping authority ("Joint Memo"). The Joint Memo and any subsequent mutually agreed upon modifications or memoranda should be consulted where more detail than provided in this delegation is needed. From time to time, the offices may find it necessary to update or amend the Joint Memo.
- E. TSCA PCB compliance monitoring and enforcement activities are overseen by the Office of Enforcement and Compliance Assurance (OECA). See Delegation Nos. 12-1 through 12-3, 12-9 and 12-24.
- f. TSCA grants and cooperative agreement related activities are governed by Delegation Nos. 12-9 and 12-22.



Delegation of Authority

1200 TN 502
01/09/2008

TOXIC SUBSTANCES CONTROL ACT

12-5. Management of Polychlorinated Biphenyls (PCBs)

1. **AUTHORITY.** To perform the EPA functions and responsibilities pursuant to section 6(e) of the Toxic Substances Control Act (TSCA) and regulations codified in 40 CFR part 750 and part 761, including the following authorities:
 - a. To promulgate rules under TSCA § 6(e)(2)(B) solely related to use;
 - b. To promulgate rules under TSCA § 6(e)(2)(B) solely related to disposal;
 - c. To promulgate rules under TSCA § 6(e)(2)(B) related to both use and disposal;
 - d. To grant or deny exemptions under TSCA § 6(e)(3)(B) solely related to use;
 - e. To grant or deny exemptions under TSCA § 6(e)(3)(B) solely related to disposal;
 - f. To grant or deny exemptions under TSCA § 6(e)(3)(B) related to both use and disposal;
 - g. To carry out the activities in 40 CFR Part 761 solely related to use;
 - h. To carry out the activities in 40 CFR Part 761 solely related to disposal, except authorities necessary to implement the prohibition on open burning of PCBs;
 - i. To implement the prohibition on open burning of PCBs;
 - j. To carry out the activities in 40 CFR Part 761 related to both use and disposal, except authorities necessary to implement the prohibition on open burning of PCBs; and
 - k. To carry out the activities in 40 CFR Part 761 that are assigned by rule to the Regional Administrators.
2. **TO WHOM DELEGATED.**
 - a. The authorities under 1(a), 1(d), 1(g) and 1(i) above are delegated to the Assistant Administrator for Chemical Safety and Pollution Prevention.
 - b. The authorities under 1(b), 1(e) and 1(h) are delegated to the Assistant Administrator for Land and Emergency Management.
 - c. The authorities under 1(c), 1(f) and 1(j) are jointly delegated to both the Assistant

Administrator for Chemical Safety and Pollution Prevention, and the Assistant Administrator for Land and Emergency Management.

- d. The authorities under 1(k) are delegated to the Regional Administrators.

3. LIMITATIONS.

- a. This delegation is limited to the purposes stated herein and may be exercised only within the limitations of applicable law and regulation.
- b. The Regional Administrators may only exercise delegated authorities in regard to facilities which will operate or activities which will take place in only one EPA region.
- c. With respect to the authorities delegated in 2(c), neither the Assistant Administrator for Chemical Safety and Pollution Prevention nor the Assistant Administrator for Land and emergency Management may exercise these authorities without approval of the other, unless other procedures for the exercise of these authorities are established by mutual agreement.
- d. This delegation of authority will remain in effect unless superseded by a subsequent delegation.

4. REDELEGATION AUTHORITY.

- a. The authorities under 1(a), 1(b) and 1(c) may not be redelegated.
- b. The Assistant Administrator for Chemical Safety and Pollution Prevention may redelegate the authorities under 1(d) and 1(f) to the Division Directors or equivalent and may not redelegate further.
- c. The Assistant Administrator for Chemical Safety and Pollution Prevention may redelegate the following authorities under 1(g), 1(i), and 1(j) to the Division Directors or equivalent and may not redelegate further:
 - (1) To require, allow, restrict, or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment;
 - (2) To extend the time limits for complying with PCB regulations where the regulations specifically authorize such extensions; and
 - (3) To grant approval for the use of alternative methods that simulate the loaded conditions of in-service use of electromagnets, switches and voltage regulators.
- d. The Assistant Administrator for Land and Emergency Management may redelegate the authorities under 1(e) and 1(f) to the Division Directors or equivalent and may not redelegate further.
- e. The Assistant Administrator for Land and Emergency Management may redelegate the following authorities under 1(h) and 1(j) to the Division Directors or equivalent and may

not redelegate further:

- (1) To approve or deny applications for risk-based sampling, cleanup, storage, decontamination, or disposal of PCBs;
 - (2) To require, allow, restrict, or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment;
 - (3) To request or require information on the nature, location, and extent of PCB contamination;
 - (4) To extend the limits on volume, concentration, or duration for PCB disposal activities where the regulations specifically authorize such extensions;
 - (5) To extend the time limits for complying with PCB regulations where the regulations specifically authorize such extensions;
 - (6) To approve or deny applications to operate PCB commercial storage or disposal facilities;
 - (7) To approve, deny, approve modifications to or release owners or operators from closure plans for commercial storage facilities;
 - (8) To approve changes in ownership or operational control of a commercial storage facility;
 - (9) To confirm the use of validated new decontamination solvents and publish the new solvents and validated decontamination procedures in the Federal Register as provided under 40 CFR § 761.398(a);
 - (10) To review and approve research and development for PCB disposal using 500 pounds or more of PCB material as provided under 40 CFR § 761.60(i)(2); and
 - (11) To draw on a letter of credit under 40 CFR § 761.65(g)(4)(ii) following a final administrative determination pursuant to section 16 of TSCA that the owner or operator has failed to perform final closure in accordance with applicable requirements.
- f. The Regional Administrators may redelegate the authorities under 1(k), as follows:
- i. The following authorities may be redelegated to the Division Directors or equivalent and may not be redelegated further:
 - (1) To grant, deny, and revoke TSCA PCB Coordinated Approvals;
 - (2) To grant an application for a variance from the performance criteria applicable to a boiler that burns used oil;
 - (3) To approve or deny applications for risk-based sampling, cleanup, storage, decontamination, or disposal of PCBs;
 - (4) To require, allow, restrict or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment; and
 - (5) To approve or deny permit applications to operate PCB storage or disposal facilities.
 - ii. The following authorities may be redelegated to the Branch Chief or equivalent and may not be redelegated further:
 - (1) To approve or disapprove a self-implementing cleanup of, or changes to an approved cleanup of, PCB remediation waste;
 - (2) To approve requests to collect a surface sample from a natural gas pipe segment

- or pipeline section where the surface area is $< 100 \text{ cm}^2$;
- (3) To waive notification of commencement of research and development for disposal activity or of self-implementing cleanup of PCB remediation waste;
 - (4) To request or require information or data on the nature, location, and extent of PCB contamination;
 - (5) To approve changes in ownership or operational control of a commercial storage facility;
 - (6) To approve, approve modifications to, or release owners or operators from closure plans for commercial storage facilities; and
 - (7) To extend limits on volume, concentration, or duration for PCB disposal activities and to extend the time limits for complying with PCB regulations, where the regulation specifically authorizes such extensions.

5. ADDITIONAL REFERENCES

- a. For the purpose of this delegation, all terms, such as “disposal,” have the meaning given to them under TSCA. Specifically, any definitions in 40 CFR § 761.3 apply.
- b. “Solely related to use” includes activities solely related to use, as well as those solely related to: storage for use or reuse, manufacture, processing related to manufacture and use, and distribution in commerce related to use or processing for use.
- c. “Solely related to disposal” includes activities solely related to disposal, as well as those solely related to: cleanup, storage for disposal, processing related to disposal, distribution in commerce related to disposal or processing for disposal, and decontamination.
- d. A memorandum from the two Assistant Administrators to their staffs may specify how administration of the PCB program will be managed, including identifying the responsible office for each regulatory provision and clarifying procedures for handling areas of joint and overlapping authority (“Joint Memo”). The Joint Memo and any subsequent mutually agreed upon modifications or memoranda should be consulted where more detail than provided in this delegation is needed. From time to time, the offices may find it necessary to update or amend the Joint Memo.
- E. TSCA PCB compliance monitoring and enforcement activities are overseen by the Office of Enforcement and Compliance Assurance (OECA). See Delegation Nos. 12-1 through 12-3, 12-9 and 12-24.
- f. TSCA grants and cooperative agreement related activities are governed by Delegation Nos. 12-9 and 12-22.



Delegation of Authority

1200 TN 505
04/07/2000

12-4. Section 8(d) Health and Safety Data Reporting Rules

1. **AUTHORITY.** To promulgate reporting regulations (including Notices of Proposed Rulemaking and Notices of Final Rulemaking) involving individual chemical substances and categories of chemical substances, pursuant to Section 8(d) of the Toxic Substances Control Act (TSCA).
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention (OCSPP).
3. **LIMITATIONS.**
 - a. This authority is limited to signature of Section 8(d) FEDERAL REGISTER notices which have received all requisite concurrences within OCSPP (as determined by the AA/OCSPP), and requisite concurrences from the Office of the General Counsel (OGC) and the Office of Policy (OP). If OCSPP is unable to resolve issues raised by OGC and/or OP, signature authority will revert to the Administrator or the Deputy Administrator.
 - b. For Section 8(d) regulations which qualify as "minor" rules according to current EPA guidelines, this authority is limited to FEDERAL REGISTER notices which have been concurred upon by offices outside of OCSPP that have specifically requested an opportunity to (1) participate in the workgroup for the rule and (2) concur/nonconcur on the rule. If OCSPP is unable to resolve issues raised by these offices, signature authority will revert to the Administrator or the Deputy Administrator.
 - c. For Section 8(d) regulations which qualify as "significant" rules according to current EPA guidelines, this authority is limited to FEDERAL REGISTER notices which have been concurred upon by offices outside of OCSPP which have chosen to participate in the workgroup for the rule. If OCSPP is unable to resolve issues raised

by these offices, signature authority will revert to the Administrator or the Deputy Administrator.

- d. These limitations do not apply to Section 8(d) regulations which add chemicals recommended for testing consideration by the Interagency Testing Committee (ITC) to the list of chemicals in 40 CFR 716.17.
- 4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Office Director, Office of Pollution, Prevention, and Toxics (OD-OPPT). This authority may be redelegated further by the OD-OPPT to the OPPT Division Director level, or equivalent, and no further.
- 5. **ADDITIONAL REFERENCES.** None



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 12-3E, Imminent Hazards

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

12-3E. Imminent Hazards (1200 TN 350 12-3E)

1. AUTHORITY. Pursuant to Section 7 of the Toxic Substances Control Act:

- a. To determine that a chemical substance or mixture presents an imminent and unreasonable risk of serious or widespread injury to health or the environment under Section 7 of TSCA.
- b. To take action including, but not limited to, causing the commencement of an action for seizure of a chemical substance or mixture that has been determined to present an imminent and unreasonable risk of serious or widespread injury, or article containing such substance or mixture, or for such other relief as authorized by Section 7, and to direct attorneys of the Environmental Protection Agency to appear and represent the Administrator in any such action.

2. TO WHOM DELEGATED.

- a. The authority in Section 1.a is delegated to the regional administrators and the assistant administrator for the Office of Chemical Safety and Pollution Prevention.
- b. The authority in Section 1.b is delegated to the regional administrators and the assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS.

- a. The regional administrators must receive concurrence from the assistant administrator for OCSPP before exercising the authority in Section 1.a. The assistant administrator for OCSPP will consider a review of the concurrence requirement in the future after more experience is

gained with the use of TSCA Section 7, imminent hazard actions and criteria can be developed for those cases which will not require immediate rulemaking.

- b. The regional administrators must consult with the assistant administrator for OECA and the assistant administrator for OCSPP before exercising the authority in Section 1.b. The assistant administrator for OECA may waive consultation in writing.
- c. The regional administrator must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising the authority to issue orders. The regional counsel, or equivalent, may waive concurrence in writing.
- d. The assistant administrator for OECA must consult with the assistant administrator for OCSPP and the appropriate regional administrator before exercising the authority in Section 1.b.
- e. The assistant administrator for OECA and the RAs must have the concurrence of the general counsel before exercising the authority in Section 1.b to commence a civil action pursuant to Section 7 of TSCA. The general counsel may waive concurrence in writing.
- f. Before exercising the authority in Section 1.b, a corresponding determination that there is an “imminently hazardous chemical substance or mixture” under Section 7 of TSCA must have been made under Section 1.a.

4. REDELEGATION AUTHORITY.

- a. The authority in Section 1.a may be redelegated to the deputy assistant administrator and no further.
- b. The authority in Section 1.b may be redelegated to the section chief level, or equivalent.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. For civil actions under Section 7, see delegation 12-3A entitled “Civil Judicial Enforcement Actions.”
- b. See also delegation 12-3D, entitled “Emergency Temporary Restraining Orders.”



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 12 2017

MEMORANDUM

SUBJECT: Delegation of Authority 12-3D Emergency Temporary Restraining Orders

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

12-3D. Emergency Temporary Restraining Orders (1200 TN 350 12-3D)

1. **AUTHORITY.** Pursuant to the Toxic Substances Control Act, including Section 17, to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and to the appropriate U.S. Attorney.
2. **TO WHOM DELEGATED.** Regional administrators and the assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. The regional administrator must obtain the advance concurrence of the regional counsel or equivalent on the legal sufficiency of the referral before exercising this authority. The regional counsel or equivalent may waive concurrence in writing.
 - b. The regional administrators must notify the assistant administrator for OECA before exercising this authority. The assistant administration for OECA may waive the notification requirement in writing.
 - c. The assistant administrator for OECA must notify the appropriate regional administrator before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division-director level or equivalent and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. REFERENCES.

- a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).
- b. For referral of other civil actions under TSCA, see the Chapter 12 delegations titled "Civil Judicial Enforcement Actions" and "Imminent Hazard Actions."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 12-3C, Settlement or Concurrence in Settlement of Civil Judicial Actions

FROM:

Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO:

Assistant Administrator
Office of Enforcement and Compliance Assurance

12-3C. Settlement or Concurrence in Settlement of Civil Judicial Actions (1200 TN 350 12-3C)

1. AUTHORITY.

- a. To concur in the settlement of civil judicial actions under the Toxic Substances Control Act.
- b. To request the attorney general to amend a consent decree.
- c. To exercise the U.S. Environmental Protection Agency's concurrence in amendments to a consent decree entered under TSCA.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. Except for headquarters-initiated cases, the OECA assistant administrator must obtain the concurrence of the appropriate regional administrator before exercising this authority.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the OECA division director level, or equivalent and to the regional counsel or equivalent and no further, except that these authorities with regard to multiregional bankruptcy settlements and multiregional insurance receivership settlements may be redelegated only within OECA.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 12-3C, Settlement or Concurrence in Settlement of Civil Judicial Actions

FROM:

Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO:

Assistant Administrator
Office of Enforcement and Compliance Assurance

12-3C. Settlement or Concurrence in Settlement of Civil Judicial Actions (1200 TN 350 12-3C)

1. AUTHORITY.

- a. To concur in the settlement of civil judicial actions under the Toxic Substances Control Act.
- b. To request the attorney general to amend a consent decree.
- c. To exercise the U.S. Environmental Protection Agency's concurrence in amendments to a consent decree entered under TSCA.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. Except for headquarters-initiated cases, the OECA assistant administrator must obtain the concurrence of the appropriate regional administrator before exercising this authority.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the OECA division director level, or equivalent and to the regional counsel or equivalent and no further, except that these authorities with regard to multiregional bankruptcy settlements and multiregional insurance receivership settlements may be redelegated only within OECA.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None.

Delegation of Authority

1200 TN 350 12-2B

05/11/1994

Administrative Update 02/04/2016

12-2B. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements

1. **AUTHORITY.** To represent EPA in civil penalty adjudications conducted under the Toxic Substances Control Act (TSCA) and 5 U.S.C. Section 554; to negotiate and sign consent agreements between the Agency and respondents resulting from such enforcement actions; and to initiate an appeal from an administrative determination, and to represent the Agency in such appeals.
2. **TO WHOM DELEGATED.** Assistant Administrator for Enforcement and Compliance Assurance and Regional Administrators.
3. **LIMITATIONS.**
 - a. Only the Assistant Administrator for Enforcement and Compliance Assurance may exercise the authority to initiate appeals.
 - b. The Assistant Administrator for Enforcement and Compliance Assurance must consult with the Regional Administrator or designee and the Assistant Administrator for Prevention, Pesticides, and Toxic Substances or designee prior to initiating an appeal.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated.
 - b. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Section 16 of TSCA.

Delegation of Authority

1200 TN 350 12-2A

05/11/1994

Administrative Update 02/04/2016

12-2A. Administrative Enforcement: Issuance of Complaints and Signing of Consent Agreements

1. **AUTHORITY.** To file administrative complaints against alleged violators of the Toxic Substances Control Act (TSCA) for the purpose of proposing civil penalties as provided in the TSCA; and to negotiate and sign consent agreements memorializing settlements between the Agency and respondents.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. Regional Administrators must consult with the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee before exercising any of the above authorities. In addition, the Regional Counsels or their designees will conduct all negotiations
 - b. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities in multi-Regional cases or cases of national significance. In addition, the Assistant Administrator for Enforcement and Compliance Assurance must consult in advance with the Assistant Administrator for Chemical Safety and Pollution Prevention or his/her designee and must notify any affected Regional Administrators or their designees when exercising any of the above authorities. In addition, the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee will conduct all negotiations.
 - c. The Assistant Administrator for Enforcement and Compliance Assurance and the Assistant Administrator for Chemical Safety and Pollution Prevention may waive their respective consultation requirements by memorandum.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated.
- b. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Sections 15 and 16 of TSCA.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 12-1, Inspections and Subpoenas

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

12-1. Inspections and Subpoenas (1200 TN 350 12-1)

1. AUTHORITY. Pursuant to the Toxic Substances Control Act, including Section 11:

- a. To inspect any establishment, facility, or other premises in which chemical substances, mixtures, or articles containing chemical substances or mixtures, are manufactured, processed, stored, or held before or after their distribution in commerce, and any conveyance being used to transport chemical substances, mixtures, or such articles in connection with distribution in commerce.
- b. To obtain and execute warrants for the purpose of performing inspections and conducting information gathering.
- c. To carry out any other inspection and information gathering activities authorized by the TSCA.
- d. To require the carrying out of any other inspection and information gathering activities authorized by the TSCA.
- e. To require by subpoena the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions, and other information.
- f. To designate representatives of the Administrator to perform the functions in paragraphs 1.a, 1.b, 1.c, 1.d, and 1.e.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Chemical Safety and Pollution Prevention, the assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.

3. LIMITATIONS.

- a. The assistant administrator for OECA and the assistant administrator for OCSPP must notify the appropriate regional administrator prior to exercising inspection authority under 1.a, 1.c, 1.d and 1.e, except in the case of nationally managed programs.
- b. The assistant administrator for OCSPP must consult with the assistant administrator for OECA prior to requesting warrants or issuing subpoenas and must consult with the general counsel or designee before issuing subpoenas to collect information for regulatory actions.
- c. The regional administrator must consult with the regional counsel, or equivalent, prior to requesting warrants or issuing subpoenas.

4. REDELEGATION AUTHORITY.

- a. The authority in 1.a, 1.b, 1.c, and 1.e. may be redelegated to the staff level.
- b. The authority in 1.d and 1.f, may be redelegated to the branch chief level, or equivalent, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 11(a)-(c) of TSCA.
- b. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 4 2013

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM

SUBJECT: Request to Establish Delegation of Authority 9-75 under the Safe Drinking Water Act Section 1457

FROM: Bob Perciasepe, Acting Administrator

TO: Assistant Administrator, Office of Water

A handwritten signature in black ink, reading "Bob Perciasepe", written over the "FROM:" line.

I hereby delegate to the assistant administrator for the U.S. Environmental Protection Agency's Office of Water authority to establish Delegation of Authority 9-75 under the Safe Drinking Water Act, Section 1457.

**9-75. Determining Drinking Water Substances to Screen for Endocrine Disruption
(1200 TN 621)**

1. **AUTHORITY.** To determine whether a substantial population may be exposed to a substance that may be found in sources of drinking water pursuant to Section 1457 of the Safe Drinking Water Act [42 U.S.C. 300j-17]. Determinations under this authority may be transmitted to the assistant administrator for the Office of Chemical Safety and Pollution Prevention or designee for testing under Section 408(p) of the Federal Food, Drug and Cosmetic Act as provided in Delegation of Authority 6-4.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Water.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** The authority to make the determination and transmit that determination to the assistant administrator for the Office of Chemical Safety and Pollution Prevention may be redelegated to the office-director level and then may be redelegated to the division-director level or equivalent but may not be redelegated further. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of delegated authority. An official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Section 1457 of the Safe Drinking Water Act [42 U.S.C. 300j-17].
- b. Section 408(p) of the FFDCA [21 U.S.C. 346a(p)].
- c. Delegation of Authority 6-4. Endocrine Disruptor Screening Program.



Delegation of Authority

1200 TN 611

12/16/2010

SAFE DRINKING WATER ACT

9-74. IMPLEMENTATION of the AIRCRAFT DRINKING WATER RULE

1. **AUTHORITY.** Pursuant to Subpart X of the National Primary Drinking Water Regulations authority:

- a. To invalidate a test result for a "total coliform" sample as set forth in §141.803(a)(5), in accordance with §141.21(c)(1)(i), (ii), or (iii).
- b. To make a determination under §141.805(a)(7) that public notification is necessary to protect public health for reasons other than those listed in §141.805(a)(1) through §141.805(a)(6).
- c. To approve in writing, under §141.805(f)(1)(iv) another delivery method of public notification to passengers and crew, different from the methods listed in §141.805(f)(1)(i) through §141.805(f)(1)(iii).
- d. To receive reports and other information from air carriers under the reporting requirements of §141.806(a) through §141.806(c).
- e. To request and receive from air carriers copies of sampling plans and aircraft water system operations and maintenance plans, in accordance with §141.807(d) and §141.807(e).
- f. To approve or establish an electronic format for all information that is required to be reported by regulated air carriers and to approve an alternative approach if an air carrier is unable to report electronically, in accordance with §141.806(d).

2. TO WHOM DELEGATED.

- a. Authorities 1(a) through 1(e) are delegated to the Assistant Administrator for Water (OW), and Regional Administrators.
- b. Authority 1(f) is delegated to the Assistant Administrator for Water (OW).

3. LIMITATIONS. The AA for OW, or delegatee, must comply with regulations and policies relating to electronic reporting when exercising the authority in 1.f.

4. REDELEGATION AUTHORITY. This authority may be redelegated to Regional Division Level Managers, and the Director, Office of Ground Water and Drinking Water (OGWDW), and no further.

5. ADDITIONAL REFERENCES.

- a. SDWA Sections 1412 and 1445



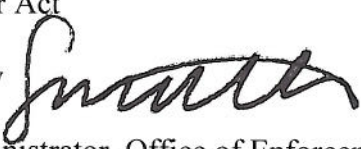
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 31 2013

MEMORANDUM

SUBJECT: Approval of Delegation of Authority 9-62 to Issue Final Administrative Penalty Orders to Federal Facilities under Section 1447(b) of the Safe Drinking Water Act

FROM: Gina McCarthy 

TO: Assistant Administrator, Office of Enforcement and Compliance Assurance
Regional Administrators

I hereby delegate to the U.S. Environmental Protection Agency's Office of Enforcement and Compliance Assurance assistant administrator and regional administrators the authority to issue final orders that assess administrative penalties against federal agencies for violations of the federal Safe Drinking Water Act in matters commenced by the region and in which the complainant is the regional administrator.

9-62. Administrative Penalty Actions Against a Federal Agency for Violations of the Safe Drinking Water Act (1200 TN 470)

1. **AUTHORITY.** Pursuant to Section 1447(b) of the Safe Drinking Water Act as amended, the authority to:
 - a. Determine whether a federal agency is in violation of an applicable requirement under this act;
 - b. Issue complaints and negotiate consent orders memorializing settlements between the EPA and federal-agency respondents;
 - c. Sign consent orders between the EPA and federal-agency respondents; and
 - d. Issue final orders assessing penalties for violation of the Safe Drinking Water Act by any federal agency.
2. **TO WHOM DELEGATED.**
 - a. Authorities 1.a., 1.b., 1.c. and 1.d. are delegated to regional administrators.
 - b. Authorities 1.a. and 1.b. are delegated to the assistant administrator for OECA.
 - c. Authorities 1.a., 1.c. and 1.d. are delegated to the Environmental Appeals Board where authority 1.c. may be used only in cases where the complainant is the assistant administrator for OECA or her or his delegatee.

3. **LIMITATIONS.** If the head of the affected department, agency or instrumentality requests in writing a conference with the Administrator and serves a copy of the request on the parties of record within 30 days of the Environmental Appeals Board's service of the final order, a decision

by the Administrator shall become the final order for the purposes of the Safe Drinking Water Act.

4. REDELEGATION.

- a. The assistant administrator for OECA and the regional administrators may redelegate authorities 1.a. and 1.b. to the division-director level or equivalent in their respective jurisdictions, and this authority may not be redelegated further, except the authority in 1.b. to negotiate consent orders may be redelegated to staff attorneys. Regional administrators may redelegate authority 1.d. to regional judicial officers or equivalent. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of delegated authority. An official who redelegates authority may revoke such redelegation at any time.
- b. The Environmental Appeals Board may not redelegate its authorities.

5. REFERENCES. 40 C.F.R. Part 22 Subparts A - H.

cc: Environmental Appeals Board



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 9-59, State Public Water System Compliance Reports and Annual National Public Water System Compliance Report

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the name in the "FROM" field.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

9-59. State Public Water System Compliance Reports and Annual National Public Water System Compliance Report (1200 TN 467)

1. AUTHORITY.

- a. Pursuant to the Safe Drinking Water Act, including Section 1414(c)(3)(A)(i) of the SDWA, the authority to receive reports from states that have primary enforcement responsibility for violations of national primary drinking water regulations by Public Water Systems in the state.
- b. Pursuant to the SDWA, including Section 1414(c)(3)(B) of the SDWA, the authority to prepare and make available to the public an annual national report on Public Water System Compliance, including Public Water Systems serving Indian Tribes.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. The assistant administrator for OECA must obtain advance concurrence of the Office of Water and must consult with the Regions, the Office of the Chief Financial Officer, and the Office of International and Tribal Affairs in developing the National Public Water System Compliance Report.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the office director level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None.

9-35. Issuance of Administrative Orders under Section 1423(c)

1. **AUTHORITY.** Pursuant to Section 1423(c) of the Safe Drinking Water Act (SDWA) the authority to:

1200 TN 350 9-35
07/20/2016

- a. Conduct hearings and perform related duties following issuance of proposed administrative orders;
 - b. Represent the Agency at hearings;
 - c. Issue subpoenas;
 - d. Negotiate consent agreements between the Agency and respondents;
 - e. Sign consent agreements between the Agency and respondents;
 - f. Issue orders after hearing have been requested; and
 - g. Withdraw or amend orders after hearing have been requested.
2. **TO WHOM DELEGATED.** The Regional Administrators, the Assistant Administrator for Enforcement and Compliance Assurance and the General Counsel.

3. **LIMITATIONS.**

- a. The Assistant Administrator for Enforcement and Compliance Assurance may exercise the above authorities in multi-regional cases and in cases of national significance.
- b. The Regional Administrators and the General Counsel may exercise the above authorities only for those cases initiated by the Regions.
- c. Authority 1.a may only be exercised by a delegated official identified as the presiding officer under the UIC program.
- d. Any regional delegates (other than Regional Counsels or delegates, and the Regional Administrators) who are authorized to exercise authorities 1.c and 1.e shall obtain concurrences from Regional Counsels or designees before exercising these authorities.
- e. Only the Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance may exercise authorities 1.f and 1.g.
- f. Only the General Counsel and the Assistant Administrator for Enforcement and Compliance Assurance or their delegates may exercise authority 1.b.

4. **REDELEGATION AUTHORITY.**

- a. The Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance may redelegate authorities 1.f and 1.g to deputy assistant administrator level or equivalent and no further.

- b. The Regional Administrators may redelegate authorities 1.a and 1.d.
- c. The Regional Administrators may redelegate authority 1.c to the recipients of authority 1.a.
- d. The Regional Administrators may redelegate authority 1.e to the Division Director level.
- e. The General Counsel may redelegate authorities 1.a, 1.b, 1.c, 1.d and 1.e to Regional Counsels. The Regional Counsels may redelegate these authorities to the Branch Chief level. Authorities 1.a, 1.b and 1.d may be redelegated further.
- f. The Assistant Administrator for Enforcement and Compliance Assurance may redelegate authority 1.a.
- g. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None



Delegation of Authority

1200 TN 350 9-33B

05/11/1994

Administrative Updates 02/04/2016

9-33B. Administrative Penalty Under Part B: Agency Representation in the Hearings, Negotiating and Signing of Consent Agreements and Appeals

1. AUTHORITY.

- a. To represent EPA in civil penalty adjudications conducted under the penalty section of Part B of the Safe Drinking Water Act (SDWA) and 5 U.S.C. Section 554;
- b. To negotiate consent agreements between the Agency and respondents resulting from such enforcement actions;
- c. To sign consent agreements;
- d. To initiate appeals from administrative determinations; and
- e. To represent the Agency in such appeals.

2. TO WHOM DELEGATED. Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance.

3. LIMITATIONS.

- a. The Assistant Administrator for Enforcement and Compliance Assurance may exercise the above authorities for those cases which were initiated by Headquarters.
- b. The Regional Administrators may exercise the above authorities only for those cases which were initiated by the Regions.
- c. The Assistant Administrator for Enforcement and Compliance Assurance must notify the appropriate Regional Administrator or designee before exercising the above authorities.
- d. The Assistant Administrator for Enforcement and Compliance Assurance must notify the Assistant Administrator for Water or designee before initiating an appeal.
- e. The Regional Administrators must obtain concurrence from the Assistant Administrator for Enforcement or designee before initiating an appeal.
- f. The Regional Administrators or delegates shall consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee any time they do not recommend an appeal of an adverse decision.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated.
- b. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Section 1414(g)(1) and (3) of the SDWA.
- b. Section 1445 of the SDWA.
- c. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.
- d. Guidance on Procedures for Assessing Civil Penalties in and Administrative Order Pursuant to Section 1414(g)(3)(B) of the SDWA.
- e. 40 CFR Part 22.

Delegation of Authority

1200 TN 350 9-33A
05/11/1994

9-33A. Administrative Penalty Under Part B: Penalty Assessments, Issuing Complaints, and Negotiating and Signing Consent Agreements

1. **AUTHORITY.** Pursuant to the Safe Drinking Water Act (SDWA): to propose the assessment of a penalty against any person in violation of any administrative order issued under Part B of the SDWA; to issue, amend or withdraw complaints; and to negotiate and sign consent agreements between the Agency and respondents.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for Enforcement and Compliance Assurance may exercise the above authorities in multi-regional cases and in cases of national significance.
 - b. The Regional Administrators may exercise the above authorities only for those cases initiated by the Regions.
 - c. The delegates of the Regional Administrators must consult with Regional Counsel before exercising the above authorities.
4. **REDELEGATION AUTHORITY.**
 - a. These authorities may be redelegated to the Division Director level or equivalent.
 - b. The authority to negotiate and confer with the alleged violator may be redelegated to attorneys in assigned cases.
 - c. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Section 1414(g)(1) and (3) of the SDWA.
 - b. Section 1445 of the SDWA.
 - c. 40 CFR Part 22.
 - d. Guidance on Procedures for Assessing Civil Penalties in an Administrative Order Pursuant to Section 1414(g)(3)(B) of the SDWA.
 - e. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.

9-31. Authority to Allot and Reallot Grant Funds for the Public Water System Supervision Program

1200 TN 103

7/25/84

Administrative Update 11/02/2016

1. **AUTHORITY.** To allot among the States the Public Water System Supervision Program grant funds appropriated by Congress each year, as provided for in Section 1443(a)(4) of the Safe Drinking Water Act (SDWA); and to reallot any unobligated funds to eligible States.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Water.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the Director, Office of Groundwater and Drinking Water.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** SDWA, Section 1413; 40 CFR Part 30; 40 CFR Part 35, Subpart A; and 40 CFR Part 142.

9-25. Approval of Alternate Mechanical Integrity Test Procedures

1200 TN 101 9-25

6/8/84

Administrative Update 11/02/2016

1. **AUTHORITY.** To approve alternate mechanical integrity test procedures and to publish notice of approval in the FEDERAL REGISTER in accordance with 40 CFR 146.08(d).
2. **TO WHOM DELEGATED.** Assistant Administrator for Water.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the Director, Office of Groundwater and Drinking Water.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** 40 CFR 146.08.

9-20. Underground Water Source Protection Grant Authority For Allotment and Reallotment

1200 TN 101 9-20

6/8/84

Administrative Update 11/02/2016

1. **AUTHORITY.** To allot funds from the Underground Water Source Protection Grant (UWSPG) Program under the Safe Drinking Water Act (SDWA), Section 1443(b), and to reallocate any unobligated funds to eligible States.
2. **TO WHOM DELEGATED.** Assistant Administrator for Water.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the Director, Office Drinking Water.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** SDWA, Sections 1421 and 1422(b)(1)(A)(ii); 40 CFR 35.55.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 12 2017

MEMORANDUM

SUBJECT: Delegation of Authority 9-16D, Emergency Temporary Restraining Orders

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

9-16D. Emergency TROs (1200 TN 350 9-16D)

1. **AUTHORITY.** Pursuant to the Safe Drinking Water Act, including Sections 1431 and 1450(f), to refer requests for emergency temporary restraining orders under the SDWA to the U.S. Department of Justice and to the appropriate U.S. Attorney.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. The regional administrator must obtain the advance concurrence of the regional counsel or equivalent on the legal sufficiency of the referral before exercising this authority. The regional counsel or equivalent may waive concurrence in writing.
 - b. The regional administrators must notify the assistant administrator for OECA before exercising this authority. The assistant administrator for OECA may waive the notification requirement in writing.
 - c. The assistant administrator for OECA must notify the appropriate regional administrator before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division-director level or equivalent and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. REFERENCES.

- a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).
- b. For referral of other civil actions under SDWA, see Delegation 9-16-A.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 9-16C, Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions

FROM:

Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO:

Assistant Administrator
Office of Enforcement and Compliance Assurance

**9-16C. Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions
(1200 TN 350 9-16C)**

1. AUTHORITY.

- a. To settle or exercise the Agency's concurrence in the settlement of civil judicial enforcement actions under the Safe Drinking Water Act;
- b. to amend a consent decree issued pursuant to a civil judicial enforcement action under SDWA; and
- c. to request the attorney general to amend an enforcement consent decree entered under SDWA.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. The assistant administrator for OECA must obtain the concurrence of the Agency official who initiates the case before exercising this authority. The assistant administrator for OECA must notify the assistant administrator for the Office of Water when a case has been settled.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the OECA division director level, or equivalent, and to the regional counsel or equivalent, and no further, except that these authorities with regard to multiregional bankruptcy settlements and multiregional insurance receivership settlements may be redelegated only within OECA.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 9-12. Inspections and Information Gathering

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

9-12. Inspections and Information Gathering (1200 TN 350 9-12)

1. **AUTHORITY.** Pursuant to the Safe Drinking Water Act, including Section 1445, and implementing regulations:
 - a. To perform the duties and responsibilities relative to reviewing records and conducting inspections.
 - b. To obtain and execute warrants for the purpose of performing an inspection or conducting information gathering.
 - c. To carry out any other inspection and information gathering activities authorized by the SDWA.
 - d. To require the carrying out of any other inspection and information gathering activities authorized by the SDWA.
 - e. To designate representatives of the Administrator to perform the functions specified in paragraphs 1.a, 1.b, 1.c and 1.d.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Water, assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. The assistant administrator for OW must consult with the assistant administrator for OECA prior to requesting warrants.

- b. The regional administrator must consult with the regional counsel, or equivalent, prior to requesting warrants.
- c. The assistant administrator for OECA and the assistant administrator for OW must notify the appropriate regional administrator prior to exercising any of the authorities specified in 1.a, 1.b, 1.c and 1.d, except in the case of nationally managed programs.

4. REDELEGATION AUTHORITY.

- a. The authority in 1.a, 1.b and 1.c. may be redelegated to the staff level.
- b. The authority in 1.d. and 1.e. may be redelegated to the branch chief level, or equivalent, and no further.
- c. An official who redelegates an authority does not divest herself or himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Section 1445 of the SDWA.
- b. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."
- c. 40 CFR Parts 144, 146 and 147.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 9-7-B. Part C, Underground Injection Control: Findings of Violation and Notification

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

9-7-B. Part C, Underground Injection Control: Findings of Violation and Notification (1200 TN 350 9-7B)

1. **AUTHORITY.** To perform the following functions relating to enforcement pursuant to the Safe Drinking Water Act, Part C, Underground Injection Control Program:
 - a. Pursuant to section 1423(a)(1) of the SDWA, finding that a person is violating a requirement of an applicable underground injection control program during a period in which a state has primary enforcement responsibility for underground water sources, and notifying the primacy state and persons violating an underground injection control program requirement of such a finding; and
 - b. Pursuant to section 1423(a)(2) of the SDWA, finding that a person is violating a requirement of an applicable underground injection control program during a period in which a state does not have primary enforcement responsibility for underground water sources.
2. **TO WHOM DELEGATED.** Regional administrators and the assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. RAs must consult with regional counsel, or equivalent, before exercising these authorities.
 - b. The AA for OECA may exercise these authorities in multiregional cases and cases of national significance and must notify the appropriate RAs when exercising these authorities.

4. REDELEGATION AUTHORITY

- a. These authorities may be redelegated to the branch chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. See delegations:
 - i. 9-16-A, “Civil Judicial Enforcement Actions”;
 - ii. 9-17, “Emergency Administrative Powers”; and
 - iii. 9-34, “Administrative Penalties and Compliance Orders With Administrative Penalties—Underground Injection.”
- b. EPA Guidance on UIC Administrative Order Procedures



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 9-7A, Part B, Public Water Systems: Findings of Noncompliance, Notification, and Technical Assistance

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

9-7A. Part B, Public Water Systems: Findings of Noncompliance, Notification, and Technical Assistance (1200 TN 451)

1. **AUTHORITY.** To perform the following functions relating to enforcement and technical assistance pursuant to the Safe Drinking Water Act, Part B:
 - a. Pursuant to section 1414(a)(1)(A) of the SDWA, finding that a public water system does not comply with any applicable requirement (as defined in section 1414(i) of the SDWA) during a period in which a state has primary enforcement responsibility; notifying the primacy State and the public water system of such a finding; and providing advice and technical assistance to the primacy state and public water system as may be appropriate to bring the system into compliance;
 - b. Pursuant to section 1414(a)(2) of the SDWA, finding that a public water system does not comply with any applicable requirement during a period in which a state does not have primary enforcement responsibility and notifying an appropriate local elected official, if any, with jurisdiction over the public water system prior to taking enforcement action in the non-primacy state;
 - c. Pursuant to section 1414(d) of the SDWA, finding that a public water system in a state does not comply with national secondary drinking water regulations within a reasonable time after such secondary regulations have been promulgated and that such noncompliance with secondary drinking water regulations appears to result from a state's failure to take reasonable action to assure that public water systems throughout the state meet such secondary regulations; and notifying the state of such noncompliance; and
 - d. Pursuant to section 1414(f) of the SDWA, providing appropriate notice of and holding public hearings for the purpose of gathering information; issuing recommendations to a primacy state

and public water system on the basis of such hearings; and making such recommendations available to the public and communications media.

2. **TO WHOM DELEGATED.** Regional administrators and the assistant administrator for the Office of Enforcement and Compliance Assurance.

3. **LIMITATIONS.**

- a. Regional administrators must consult with regional counsel, or equivalent, before exercising authorities 1.a. and 1.c., before making a finding of noncompliance under authority 1.b., and before issuing recommendations under authority 1.d.
- b. The assistant administrator for OECA may exercise these authorities in multiregional cases and cases of national significance and must notify the appropriate regional administrators when exercising these authorities.

4. **REDELEGATION AUTHORITY.**

- a. These authorities may be redelegated to the branch chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. 40 C.F.R. Parts 141 and 142
- b. Guidance on PWS Administrative Order Procedures



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 28 2015

MEMORANDUM

SUBJECT: Temporary Delegation of Authority 9-3, Certification of Laboratories and Responsible State Officials

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to be "Gina McCarthy", is written over the name.

TO: Regional Administrators

I hereby temporarily delegate to the U.S. Environmental Protection Agency's regional administrators the authority to certify laboratories conducting analytical measurements of drinking-water contaminants and to certify the officials of the state responsible for the state's certification program in accordance with Sections 1401(1)(D) and 1413 of the Safe Drinking Water Act. This delegation shall remain in effect for one year or until I make a permanent delegation.

9-3. Certification of Laboratories and Responsible State Officials (1200 TN 103)

1. **AUTHORITY.** To certify laboratories conducting analytical measurements of drinking-water contaminants and to certify the officials of the state responsible for the state's certification program in accordance with Sections 1401(1)(D) and 1413 of the Safe Drinking Water Act.
2. **TO WHOM DELEGATED.** Regional administrators.
3. **LIMITATIONS.** The Administrator reserves the authority to prescribe the requirements for a national quality-assurance program for certification of laboratories conducting analytical measurements of drinking-water contaminants.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the division-director level. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of the delegated authority. An official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** 40 C.F.R. §§ 141.28, 142.10(b)(3)-(4).
6. **RATIFICATION.** To the extent that authority previously exercised consistent with this memorandum may require ratification, it is hereby approved and ratified.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 30 2016

MEMORANDUM

SUBJECT: Delegation of Authority 9-3, Certification of Laboratories and Responsible State Officials

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends slightly into the "TO:" line.

TO: Regional Administrators

9-3. Certification of Laboratories and Responsible State Officials (1200 TN 103)

1. **AUTHORITY.** To certify laboratories conducting analytical measurements of drinking-water contaminants and to certify the state officials responsible for the state's certification program in accordance with Sections 1401(1)(D) and 1413 of the Safe Drinking Water Act.
2. **TO WHOM DELEGATED.** Regional administrators.
3. **LIMITATIONS.** The Administrator reserves the authority to prescribe the requirements for a national quality-assurance program for certification of laboratories conducting analytical measurements of drinking-water contaminants.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the division-director level. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** 40 C.F.R. §141.28 and §142.10(b)(3)-(4).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB 26 2014

MEMORANDUM

SUBJECT: Approval for Revision to Brownfields Revitalization Funding Delegation of Authority 14-45 to Award Multimedia Environmental-Job-Training Grant Awards

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to be "Gina McCarthy", is written over the name in the "FROM" field.

TO: Assistant Administrator, Office of Solid Waste and Emergency Response
Regional Administrators

I hereby delegate to the assistant administrator for the Office of Solid Waste and Emergency Response and to the regional administrators the authority, pursuant to the Brownfields Revitalization Funding Delegation of Authority 14-45, to take all necessary actions to award multimedia environmental work-force development and job-training grants.

14-45. Brownfields Revitalization Funding (1200 TN 554)

1. AUTHORITY. To exercise the U.S. Environmental Protection Agency's authority pursuant to Sections 101(39) and 104(k) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, and Executive Order 13308.

- a. To make determinations and take other actions necessary to approve grants:
 - i. To eligible entities for programs to inventory, characterize, assess and conduct planning related to one or more brownfield sites;
 - ii. To eligible entities for capitalization of brownfield-remediation revolving loan funds;
 - iii. To eligible entities and nonprofit organizations for remediation of one or more brownfield sites; and
 - iv. To eligible entities and nonprofit organizations to provide training, research and technical assistance to individuals and organizations to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement or site preparation, and, where applicable, to approve providing these services directly through contracts, interagency agreements and other authorized means.
- b. To publish guidance for grant applications under Section 104(k)(5)(a)(iii).
- c. To perform targeted site assessments at brownfields sites under Section 104(k)(2)(A)(ii).

d. To approve grants for joint multimedia environmental-training programs supported by program offices in addition to the Office of Solid Waste and Emergency Response under Section 103 of the Clean Air Act; Section 104 of the Clean Water Act; Section 8001 of the Solid Waste Disposal Act; Section 10 of the Toxic Substances Control Act; Section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act; Section 311 of the Comprehensive Environmental Response, Compensation and Liability Act; Section 203 of the Marine Protection, Research and Sanctuaries Act; and Section 102(2)(F) of the National Environmental Policy Act.

2. TO WHOM DELEGATED.

- a. The assistant administrator for OSWER is delegated the authorities in paragraph 1.a., 1.b. and 1.d. above.
- b. Regional administrators are delegated the authorities in paragraph 1.a., 1.c. and 1.d. above.

3. LIMITATIONS.

- a. The regional administrators must obtain the concurrence of the assistant administrator for OSWER or her or his designee prior to exercising the authority in paragraph 1.a. and 1.d. above. This limitation does not restrict the authority of regional administrators provided under the EPA's delegation 1-14 to execute and administer grants approved by the assistant administrator for OSWER.
- b. The assistant administrator for OSWER and the regional administrators must make determinations under paragraph 1.a.i., ii. or iii. regarding the eligibility of entities in consultation with the assistant administrator for the Office of Enforcement and Compliance Assurance or her or his designee. The assistant administrator for OECA or her or his designee may waive, in whole or in part, this limitation by memorandum.
- c. The assistant administrator for OSWER and the regional administrators must make determinations regarding the eligibility of brownfield sites, including targeted brownfields assessment sites, in consultation with the assistant administrator the Office of Enforcement and Compliance Assurance or her or his designee. The assistant administrator for OECA or her or his designee may waive, in whole or in part, this limitation by memorandum.
- d. Prior to exercising the authority in 1d. to approve multimedia-training grants, the assistant administrator for OSWER or designee must coordinate with the assistant administrator or designee of the program office providing funds or other support for the joint training program.
- e. This authority shall be exercised subject to approved funding levels and be consistent with funds-control policies established by the Office of the Chief Financial Officer.

4. REDELEGATION AUTHORITY.

- a. The assistant administrator for OSWER may redelegate this authority to the office-director level or equivalent, and it may be further redelegated to the division-director level or equivalent, but no further.
- b. The regional administrators may redelegate this authority to the division-director level or equivalent, and it may be further redelegated to the branch-chief level or equivalent, but no further.
- c. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. The Federal Grant and Cooperative Agreement Act of 1977, 31 U.S.C. Sections 6301 et seq.
- b. EPA Order 5700.1, Policy for Distinguishing Between Assistance and Acquisition.
- c. 40 CFR Part 30, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.
- d. 40 CFR Part 31, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- e. EPA Delegation 1-14, Assistance Agreements.
- f. Executive Order 13308, June 20, 2003.

**14-42 Concurrence in the Exercise of Authority under
CERCLA Sections 106(a) and 122 by the Secretaries of Interior,
Commerce, Agriculture, Defense and Energy**

1200 TN 452

Approved 09/02/1997

Administrative Update 01/31/2017

1. **AUTHORITY.** To concur in the exercise of authority under sections 106(a) and 122 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, by the Secretaries of Interior, Commerce, Agriculture, Defense and Energy.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and the regional administrators.
3. **LIMITATIONS.** RAs may not exercise this authority for two years after the Administrator signs this delegation. At the end of the two years, RAs may exercise this authority only after the AA for OECA (1) reviews each Region's experience with CERCLA section 106 orders and CERCLA section 122 settlements which are proposed by the Secretaries of Interior, Commerce, Agriculture, Defense and Energy, and (2) authorizes the exercise of this authority by that RA.
4. **REDELEGATION AUTHORITY.**
 - a. The AA for OECA and the RAs may redelegate this authority to the division director level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Executive Order 12580, Superfund Implementation, January 23, 1987.
 - b. Executive Order 13016, August 28, 1996.



Delegation of Authority

14-41. Deferral of the CERCLA Section 120(h)(3) (A)(ii)(I) Covenant Requirement for Parcels of Real Property at Federal Facilities Listed on the National Priorities List (NPL).

1200 TN 449
7/23/97

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the National Defense Authorization Act of 1997, to defer under CERCLA section 120(h)(3)(C)(i), with concurrence of the Governor or his delegatee, the covenant requirement under 120(h)(3)(A)(ii)(I) with respect to real property located at a Federal facility that is listed on the National Priorities List, after a determination that property is suitable for transfer. The finding of suitability to transfer must include the criteria set forth in CERCLA section 120(h)(3)(C)(i).
2. **TO WHOM DELEGATED.** Assistant Administrator for Land and Emergency Management and Regional Administrators.
3. **LIMITATIONS.** Regional Administrators or their delegates must notify the Assistant Administrator for Land and Emergency Management or his/her designee prior to exercising this authority, at the time the Federal agency requesting deferral provides notice of the proposed transfer as required by CERCLA section 120(h)(3)(C) (i)(III).
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the Director, Federal Facilities Restoration and Reuse Office, OLEM, and may not be redelegated further.
 - b. Regional Administrators may redelegate this authority to the Regional Division Director level or equivalent, and/or the Associate Director for the Office of Superfund Programs in Region 3, the Deputy Director for the Waste Management Division in Region 4, the Director for the Superfund Division in Region 5, and the Chief of the Federal Facilities Cleanup Branch in Region 9, and may not be redelegated further.
 - c. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Section 120 of CERCLA. DELEGATIONS MANUAL
 - b. Community Environmental Response Facilitation Act (P. L. 102-426).
 - c. Section 334 of the National Defense Authorization Act of 1997.



Delegation of Authority

14-39. Concurrence on Identification of Uncontaminated Federal Real Property

1200 TN 343

4/15/94

Administrative Update 04/07/2016

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Community Environmental Response Facilitation Act (CERFA): to concur under CERCLA Section 120(h)(4)(B) in the results of the identification of uncontaminated real property at a federal facility on the National Priorities List by the head of the Department, agency, or instrumentality of the United States with jurisdiction over the property, in accordance with CERCLA Section 120(h)(4)(A).
2. **TO WHOM DELEGATED.** Regional Administrators.
3. **LIMITATIONS.** Regional Administrators of their delegates must notify the Assistant Administrator for Land and Emergency Management or his/her designee after exercising this authority.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Remedial Project Manager level. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 120 of CERCLA, and CERFA (P.L. 102-426)



Delegation of Authority

14-38. EPA Role in Department of Defense Environmental Restoration Program

1200 TN 168 14-38
9/13/87

1. **AUTHORITY.** Pursuant to Title 10, United States Code, Chapter 160, as amended by Section 211 of the Superfund Amendments and Reauthorization Act of 1986 (SARA):
 - a. To provide consultation to the Secretary of Defense or his/her designee(s) to carry out a program of environmental restoration at facilities under his/her jurisdiction.
 - b. To provide cooperation and consultation to the Secretary of Defense or his/her designee(s) to carry out a program of research, development and demonstration with respect to hazardous wastes.
 - c. To prepare health advisories at the request of the Secretary of Defense, using such sums transferred from amounts appropriated to the Department of Defense.
 - d. To receive and comment on notices of release and proposals for response actions under Chapter 160, § 275, Department of Defense environmental restoration activities.
2. **TO WHOM DELEGATED.** Assistant Administrator for Land and Emergency Management, the Assistant Administrator for Research and Development, the Assistant Administrator for Water, and Regional Administrators.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for Land and Emergency Management or his/her delegatee may exercise authorities 1.a, 1.b and 1.d only.
 - b. Regional Administrators or their delegates may exercise authorities 1.a and 1.d only.
 - c. The Assistant Administrator for Research and Development or his/her delegates may exercise authority 1.b only, and shall consult with the Assistant Administrator for Land and Emergency Management or his/her designee when providing consultation to the Secretary of Defense under this authority.

- d. The Assistant Administrator for Water or his/her delegatee may exercise authority 1.c only, and shall consult with the Assistant Administrator for Research and Development or his/her designee when preparing health advisories under this authority.

4. REDELEGATION AUTHORITY.

- a. The above authorities may be redelegated.
- b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. Section 211 of SARA.
- b. Title 10, United States Code, Chapter 160, Sections 2701, 2702, 2704, and 2705 ("Armed Forces, Environmental restoration").



Delegation of Authority

14-37. Reimbursement to Local Governments

1200 TN 485
07/14/99

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 123 and 40 CFR Part 310, "Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases," to reimburse local community authorities for expenses incurred in carrying out temporary emergency measures in response to releases or threatened releases of hazardous substances, pollutants, or contaminants.
2. **TO WHOM DELEGATED.** Assistant Administrator for Land and Emergency Management.
3. **LIMITATIONS.** None
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level or equivalent, and no further.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** None



Delegation of Authority

14-36. Lead Contaminated Soil

1200 TN 168
09/13/87

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA):
 - a. To designate one to three different metropolitan areas and to allocate among them up to \$15 million for pilot program activities described in 1.b;
 - b. To approve, award, and administer grant(s) or cooperative agreement(s) to a State, local government or other recipient to carry out a pilot program for removal, decontamination, or other action with respect to lead-contaminated soil.
2. **TO WHOM DELEGATED.**
 - a. The authority in 1.a is delegated to the Assistant Administrator for Land and Emergency Management.
 - b. The authority in 1.b is delegated to Regional Administrators responsible for the metropolitan areas designated in 1.a.
3. **LIMITATIONS.** Prior to the award of a grant or cooperative agreement under the authority in 1.b, Regional Administrators or their delegates must obtain the advance concurrence of the Assistant Administrator for Land and Emergency Management or his/her designee.
4. **REDELEGATION AUTHORITY.**
 - a. The Assistant Administrator for Land and Emergency Management (AA/OLEM) may redelegate the authority in 1.a to the Director, Office of Emergency and Remedial Response.
 - b. Regional Administrators may redelegate the authority in 1.b to the Division Director level.
 - c. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Section 111(a) of CERCLA.
 - b. 40 CFR 30 and 40 CFR 33, EPA grant regulations.



Delegation of Authority

14-35. List of Hazardous Substances and Toxicological Profiles

1200 TN 168 14-35
9/13/87

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA):
 - a. In cooperation with the Administrator of the Agency for toxic Substances and Disease Registry (ATSDR), to prepare and revise periodically a prioritized list of hazardous substances that are most commonly found at facilities on the National Priorities List and that pose the most significant potential threat to human health.
 - b. In cooperation with the Administrator of ATSDR, to develop guidelines for the development of toxicological profiles for each of the listed hazardous substances.
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** The Assistant Administrator for OCSPP or his/her delegatee must consult with the Assistant Administrator for Office of Land and Emergency Management and with the Assistant Administrator for Research and Development or their designees when exercising the authorities specified in paragraphs 1.a and 1.b.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** Section 104(i)(2) and (3) of CERCLA.

*[Note that CERCLA Section 104(j) is printed in the middle of Section 104(i). Sections 104(i)(2) and (3) can be found on pages 24-25 of Senate Print 99-217, "The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) (P.L. 96-510), as amended by the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499), "December 1986.]



Delegation of Authority

THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA)

14-34. Waiver of Permit Requirements in the State of Illinois

1200 TN 168
9/13/87

1. **AUTHORITY.** Pursuant to the Superfund Amendments and Reauthorization Act (SARA), to approve or deny a waiver by the State of Illinois of any permit requirement under Subtitle C of the Solid Waste Disposal Act, which would otherwise be applicable to State remedial actions involving onsite mobile incinerator units.
2. **TO WHOM DELEGATED.** Regional Administrator, Region 5, and the Assistant Administrator for Land and Emergency Management.
3. **LIMITATIONS.**
 - a. Statutory conditions must be met regarding prohibition of offsite transfer, protectiveness of the remedial action, and public participation.
 - b. Waiver authority terminates on October 17, 1989 unless the State demonstrates that operation of mobile incinerators in the State has sufficiently protected public health and the environment and is consistent with the criteria required for a permit under Subtitle C of the Solid Waste Disposal Act.
 - c. The Assistant Administrator for Land and Emergency Management is authorized to determine whether the State has met the requirements of Section 118(i)(3) of SARA.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** Section 118(i) of SARA.



Delegation of Authority

14-30. Acquisition of Real Property

1200 TN 531

11/08/2001

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, Section 104 and 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan," to authorize an acquisition of real property or an interest in real property needed to conduct a remedial action.
2. **TO WHOM DELEGATED.** Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.
3. **LIMITATIONS.**
 - a. Regional Administrators may only exercise this authority for each acquisition costing up to 25,000.
 - b. The Director, Real Property Services Staff, Office of Administration will carry out acquisitions authorized under this authority pursuant to Delegation 1-4B, "Real Property and Space."
 - c. The state in which the interest is to be acquired must assure in a cooperative agreement or Superfund state contract that it will accept transfer of the interest following completion of the response.
 - d. The General Counsel must concur before this authority is exercised, unless and until such concurrence requirement is waived by memorandum. The General Counsel may redelegate the authority to concur.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Division Director level, or equivalent, and no further.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR Part 35, Subpart O, "Cooperative Agreements and Superfund Stat Contracts for Superfund Response Actions."
 - b. 40 CFR Part 31, "Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments."
 - c. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. Section 4601 et. seq.
 - d. 49 CFR Part 24, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs."
 - e. Delegation 14-2, Response.
 - f. U.S. Environmental Protection Agency Records Schedule, Series No. 668A, "Real Property Records." NARA Schedule No. NC1-412-85-261X3.



Delegation of Authority

14-30. Acquisition of Real Property

1200 TN 531

11/08/2001

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, Section 104 and 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan," to authorize an acquisition of real property or an interest in real property needed to conduct a remedial action.
2. **TO WHOM DELEGATED.** Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators.
3. **LIMITATIONS.**
 - a. Regional Administrators may only exercise this authority for each acquisition costing up to 25,000.
 - b. The Director, Real Property Services Staff, Office of Administration will carry out acquisitions authorized under this authority pursuant to Delegation 1-4B, "Real Property and Space."
 - c. The state in which the interest is to be acquired must assure in a cooperative agreement or Superfund state contract that it will accept transfer of the interest following completion of the response.
 - d. The General Counsel must concur before this authority is exercised, unless and until such concurrence requirement is waived by memorandum. The General Counsel may redelegate the authority to concur.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Division Director level, or equivalent, and no further.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR Part 35, Subpart O, "Cooperative Agreements and Superfund Stat Contracts for Superfund Response Actions."
 - b. 40 CFR Part 31, "Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments."
 - c. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. Section 4601 et. seq.
 - d. 49 CFR Part 24, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs."
 - e. Delegation 14-2, Response.
 - f. U.S. Environmental Protection Agency Records Schedule, Series No. 668A, "Real Property Records." NARA Schedule No. NC1-412-85-261X3.

14-29. Investigations and Evaluations of Employment Shifts and Loss

1200 TN 350 14-29

Approved 05/11/1994

Administrative Update 02/01/2017

1. **AUTHORITY.** Pursuant to section 110(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, and section 554, Title 5 of the United States Code, to conduct investigations and evaluations of potential loss or shifts of employment, provide for public hearings, and make findings of fact concerning threatening plant closures or reductions in employment.
2. **TO WHOM DELEGATED.** Assistant administrator for the Office of Land and Emergency Management, assistant administrator for the Office of Enforcement and Compliance Assurance, and regional administrators.
3. **LIMITATIONS.**
 - a. The authority delegated to the AA for OLEM is limited to conducting investigations and evaluations.
 - b. The authority delegated to the AA for OECA is limited to providing for public hearings and to making findings of fact subject to the Administrative Procedures Act.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 12 2014

MEMORANDUM

SUBJECT: Approval of Delegation of Authority 14-28, Federal Agency
Hazardous Waste Compliance Docket

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to be "Gina McCarthy", is written over the name in the "FROM" field.

TO: Assistant Administrator, Office of Solid Waste and Emergency Response

I hereby delegate to the assistant administrator for the Office of Solid Waste and Emergency Response the authority to establish and maintain a Federal Agency Hazardous Waste Compliance Docket.

14-28 Federal Agency Hazardous Waste Compliance Docket (1200 TN 350)

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, to establish and maintain a Federal Agency Hazardous Waste Compliance Docket.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Solid Waste and Emergency Response.
3. **LIMITATIONS.** None.
4. **REDELEGATION.** This authority may be redelegated through the director of the Federal Facilities Restoration and Reuse Office to her or his staff. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of delegated authority. An official who redelegates authority may revoke such redelegation at any time.
5. **REFERENCES.** Section 120 of the Comprehensive Environmental Response, Compensation and Liability Act.

TRANSMITTAL

Classification Number TN: 350 14-28

Approval Date: 03/12/2014

EPA Delegation

1. **PURPOSE.** The Office of Enforcement and Compliance Assurance revised Delegation of Authority 14-28 "Federal agency Haz Waste Compliance Docket" dtd 3/12/2014.

2. **EXPLANATION.**

The name of OSWER was changed to the Office of Land and Emergency Management. **12/15/2015 adm chg.**

OECA removed the OECA Assistant Administrator from the authority to align with the actual program managing the authority. **03/12/2014**

OECA received an approved reorganization effective May, 1994, and various delegations were administratively updated to reflect these changes. **05/11/1994**

3. **ARCHIVAL HISTORY**

Original Approval

EPA Delegation 14-28 dtd 05/11/1994

EPA Delegation 14-28 dtd 03/12/2014

Most Recent Revision

EPA Delegation 14-28 dtd 03/12/2014

EPA Delegation 14-28 dtd 12/15/2015 adm chg.

/s/

*Deborah Ward Beard
Central Directives Officer
Office of Human Resources*

(Agency Directives are also available at <http://intranet.epa.gov/rmpolicy/>)

Office of Enforcement and Compliance Assurance
Office of Land and Emergency Management



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 12 2014

MEMORANDUM

SUBJECT: Approval of Delegation of Authority 14-28, Federal Agency
Hazardous Waste Compliance Docket

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to be "Gina McCarthy", is written over the name in the "FROM" field.

TO: Assistant Administrator, Office of Solid Waste and Emergency Response

I hereby delegate to the assistant administrator for the Office of Solid Waste and Emergency Response the authority to establish and maintain a Federal Agency Hazardous Waste Compliance Docket.

14-28 Federal Agency Hazardous Waste Compliance Docket (1200 TN 350)

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, to establish and maintain a Federal Agency Hazardous Waste Compliance Docket.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Solid Waste and Emergency Response.
3. **LIMITATIONS.** None.
4. **REDELEGATION.** This authority may be redelegated through the director of the Federal Facilities Restoration and Reuse Office to her or his staff. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of delegated authority. An official who redelegates authority may revoke such redelegation at any time.
5. **REFERENCES.** Section 120 of the Comprehensive Environmental Response, Compensation and Liability Act.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-27, Petitions for Reimbursement

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Regional Administrators

14-27. Petitions for Reimbursement (1200 TN 510)

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, including Section 106:

- a. To receive, evaluate and make determinations regarding petitions for reimbursement of the costs of abatement action incurred in carrying out a Section 106 order and, as appropriate, to authorize payment.
- b. To enter into settlements of claims asserted in petitions for reimbursement of the costs of abatement action incurred in carrying out a Section 106 order issued by the U.S. Environmental Protection Agency and, as appropriate, to authorize payment in settlement of such claims.

2. **TO WHOM DELEGATED.**

- a. The authority under 1.a is delegated to the Environmental Appeals Board.
- b. The authority under 1.b is delegated to the regional administrators.

3. **LIMITATIONS.**

- a. The EAB shall notify the assistant administrator for the Office of Land and Emergency Management immediately upon granting of any petition for reimbursement.
- b. The regional administrators should exercise the authority under 1.b to authorize payment from the Hazardous Substance Superfund (Fund) in settlement of claims only with the advance concurrence of the assistant administrator for the Office of Enforcement and Compliance Assurance, the assistant administrator for OLEM and the general counsel. The assistant administrator for OECA, the assistant administrator for OLEM and the general counsel may waive or modify their advance concurrence by memorandum.
- c. The regional administrators may exercise the authority under 1.b only where the petitioner has agreed to dismiss its petition for reimbursement with prejudice as a condition of settlement.

- d. The regional administrators should exercise the authority under 1.b to enter into settlements that do not involve payment from the fund consistent with the most recent version of the “OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart” or successor documents, as appropriate, and CERCLA delegations 14-13B, 14-14C, 14-14D, and 14-14E.
- e. Nothing in this delegation shall be construed to authorize regional administrators to settle any claims asserted in a petition for reimbursement based on a Section 106 order issued by any agency other than the EPA.
- f. The regional administrators shall notify the EAB immediately upon reaching a settlement agreement pursuant to 1.b.

4. REDELEGATION AUTHORITY.

- a. The EAB may not redelegate the authority under 1.a.
- b. The regional administrators may redelegate the authority under 1.b to the division-director level or equivalent and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. Applicable agency guidance and directives.



Delegation of Authority

1200 TN 350

5/11/94

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

14-26. Federal Lien

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to file notice of and assert either a Federal lien upon real property and any rights to such property, or a maritime lien in favor of the United States.
2. **TO WHOM DELEGATED.** Regional Administrators.
3. **LIMITATIONS.** Regional Administrator or their delegates must notify the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee when exercising the above authority.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated.
5. **ADDITIONAL REFERENCES.** Sections 107(l), (r), and (m) of CERCLA. Delegation 14-12, "Civil Judicial Enforcement Actions."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-25, Notification of Trustees

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

14-25. Notification of Trustees (1200 TN 350 14-25)

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, including Sections 104(b)(2), 107(f)(2)(B) and 122(j)(1), to notify appropriate federal and state natural resource trustees of:

- a. Potential damages to natural resources resulting from releases of hazardous substances, pollutants or contaminants and to coordinate assessments, investigations and planning with such trustees.
- b. Negotiations under Section 122(j)(1) related to such release and to receive notice of designation of state trustees under Section 107(f)(2)(b).

2. TO WHOM DELEGATED.

- a. The authorities in paragraphs 1.a and 1.b may be exercised by the assistant administrator for the Office of Land and Emergency Management and the regional administrators.
- b. The authorities in paragraph 1.b may be exercised by the assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. None.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the staff level.

- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Applicable U.S. Environmental Protection Agency guidance and directives.
- b. National Contingency Plan, 40 CFR 300.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-21B, Agreements with Other Federal Agencies

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

14-21B. Agreements with Other Federal Agencies (1200 TN 332)

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, to enter into an agreement with the head of the other federal department, agency or instrumentality for completion by such department, agency or instrumentality of all necessary remedial actions at the federal facility under section 120(e)(2).
2. **TO WHOM DELEGATED.** Assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** The regional administrator must exercise this authority consistent with the most recent version of the "OECA Office of Site Remediation Enforcement CERCLA and RCRA/CWA/UST Roles Chart" or successor documents, as appropriate.
4. **REDELEGATION AUTHORITY.**
 - a. The assistant administrator for OECA may redelegate this authority to the office-director level or equivalent and no further. The regional administrator may only redelegate this authority to the deputy regional administrator and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Section 120 of CERCLA.
 - b. EPA delegation 1-11, Interagency Agreements.
 - c. EPA Interagency Agreement Policy Procedures Compendium, Office of Grants and Debarment, OARM.



E. SCOTT PRUITT
ADMINISTRATOR

May 9, 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-21A Consultations, Determinations, Reviews and Selection of Remedial Actions at Federal Facilities

FROM: E. Scott Pruitt

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

14-21A. Consultations, Determinations, Reviews and Selection of Remedial Actions at Federal Facilities (1200 TN 539)

1. AUTHORITY.

Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended: to consult with agencies, departments and instrumentalities regarding investigations and studies of federal facilities under Section 120(e)(1); to review the plans for and results of such investigations and studies under Section 120(e)(2); to select remedial actions under Section 120(e)(4); and to determine under Section 120(e)(6) that remedial investigations and feasibility studies or remedial action will be done properly at a federal facility by another potentially responsible party within the deadlines provided in Section 120(e)(1), (2) and (3).

2. TO WHOM DELEGATED.

- a. The Administrator reserves the authority for purposes of Section 120(e)(4) to select the remedy in the Record of Decision when the estimated cost of the remedy exceeds \$50 million. The Administrator may delegate this authority to the Deputy Administrator and no further.
- b. All other authorities are delegated to the assistant administrator for the Office of Land and Emergency Management and regional administrators.

3. LIMITATIONS.

Consultation prior to selection of a remedial action may be required by memorandum from the AA OLEM.

4. REDELEGATION AUTHORITY.

- a. The AA OLEM may redelegate these authorities to the director, Federal Facilities Restoration and Reuse Office, and no further.
- b. Regional administrators may redelegate these authorities to the branch chief level, or equivalent, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan."
- b. EPA Delegation of Authority 14-2, Response.
- c. EPA Delegation of Authority 14-21-B, Agreements with Other Federal Agencies.
- d. EPA Delegation of Authority 14-40, Evaluation of Approved Remedial Design.



Delegation of Authority

14-19. Contractor Indemnification

1200 TN 485
07/14/99

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 119 and "Final Guidelines, Superfund Response Action Contractor Indemnification", 58 F.R. 5972 (January 25, 1993):
 - a. To authorize agreements to indemnify response action contractors; and
 - b. To approve payment of indemnification claims under such agreements.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Land and Emergency Management.
3. **LIMITATIONS.** None
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the Office Director level, or equivalent, and no further.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** None



Delegation of Authority

14-18B. Hazardous Substance Research

1200 TN 191
10/7/88

1. **AUTHORITY.** Pursuant to Section 311(c) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, to carry out a program of hazardous substance research, to approve grants and cooperative agreements for such and to conduct and support hazardous substance research through contracts. Pursuant to Section 311(d) of CERCLA, to establish and operate a program of competitively-awarded, university-based hazardous substances research centers, through the approval of grants or cooperative agreements.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Research and Development.
3. **LIMITATIONS.** The Assistant Administrator for Research and Development or delegatee will exercise this authority in accordance with plans and priorities developed in consultation with the Assistant Administrator for Land and Emergency Management or designee.
4. **REDELEGATION AUTHORITY.**
 - a. Authority to administer programs under Section 311(c) may be redelegated to the Division Director level.
 - b. Authority to administer programs under Section 311(d) may be redelegated to the Office Director level.
 - c. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Section 311(c) and (d) of CERCLA.
 - b. Agency grant regulations, 40 CFR and CFR 33.
 - c. The authority to execute assistance is delegated in Delegation 1-14.



Delegation of Authority

14-18-A Alternative Treatment Technology and Research, Development, Demonstration and Training

1200 TN 468
8/25/98

1. **AUTHORITY.** Pursuant to § 311(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, the authority to approve grants and cooperative agreements, and to conduct and support research through contracts:
 - a. to carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative treatment technologies; and
 - b. to carry out a program of training in procedures for handling hazardous substances and for managing facilities at which hazardous substances are located.
2. **TO WHOM DELEGATED.**
 - a. Authorities 1.a. and 1.b. are delegated to the Assistant Administrator for Research and Development.
 - b. Authority 1.b. is delegated to the Assistant Administrator for Land and Emergency Management (OLEM).
 - c. Authority 1.b. is delegated to the Regional Administrators, but can be executed only with the approval of the Assistant Administrator of OLEM.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for Research and Development or his/her delegatee will exercise these authorities in accordance with plans and priorities developed in consultation with the Assistant Administrator for Land and Emergency Management or designee.
 - b. The Assistant Administrator for Research and Development or his/her delegatee must obtain the concurrence of the Assistant Administrator for Land and Emergency Management or designee prior to undertaking technology demonstrations.
 - c. The Regional Administrators can approve funding packages under the authority granted under 1.b. only with the approval of the Assistant Administrator of OLEM.

14-18A Alternative Treatment Technology and Research, Development, Demonstration and Training

1200 TN 468

07/20/2016

1. **AUTHORITY.** Pursuant to § 311(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, the authority to approve grants and cooperative agreements, and to conduct and support research through contracts:
 - a. To carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative treatment technologies; and
 - b. To carry out a program of training in procedures for handling hazardous substances and for managing facilities at which hazardous substances are located.
2. **TO WHOM DELEGATED.**
 - a. Authorities 1.a. and 1.b. are delegated to the Assistant Administrator for Research and Development.
 - b. Authority 1.b. is delegated to the Assistant Administrator for Land and Emergency Management.
 - c. Authority 1.b. is delegated to the Regional Administrators, but can be executed only with the approval of the Assistant Administrator of OLEM.
3. **LIMITATIONS.**
 - a. The assistant administrator for Research and Development or his/her delegatee will exercise these authorities in accordance with plans and priorities developed in consultation with the assistant administrator for Land and Emergency Management or designee.
 - b. The assistant administrator for Research and Development or his/her delegatee must obtain the concurrence of the assistant administrator for Land and Emergency Management or designee prior to undertaking technology demonstrations.
 - c. The regional administrators can approve funding packages under the authority granted under 1.b. only with the approval of the assistant administrator of OLEM.
4. **REDLEGATIONS.**
 - a. The assistant administrator for Research and Development may redelegate the authorities in 1.a and 1.b to the deputy assistant administrator level.
 - b. The assistant administrator for Land and Emergency Management may redelegate the authority in 1.b. to the deputy assistant administrator level.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)

1200 TN 554
08/01/2008

14-17. National Priorities List Determinations

1. **AUTHORITY** To exercise the Agency's authority pursuant to Section 105 and 101(41)(C)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, and to perform other activities necessary for the effective program administration:
 - a. To add sites to the National Priorities List (NPL);
 - b. To delete sites from the NPL;
 - c. To make determinations under Section 105(h); and
 - d. To make determinations for sites not on the NPL under section 101(41)(C)(i).
2. **TO WHOM DELEGATED**
 - a. The Assistant Administrator for Land and Emergency Management (AA/OLEM) is delegated the authority in paragraph 1.a. above.
 - b. Regional Administrators are delegated the authorities in paragraph 1.b., 1.c., and 1.d. above.
3. **LIMITATIONS**
 - a. In exercising 1.b, the AA/OLEM must concur before the Regional Administrator signs the notice of intent to delete.
 - b. If a Regional Administrator redelegates the authority in paragraph 1.d., the delegatee must consult with the Regional Branch Chief responsible for CERCLA legal enforcement issues, or his/her equivalent, before exercising the authority in paragraph 1.d. This limitation may be waived by the Regional Branch Chief.
4. **REDELEGATION AUTHORITY**
 - a. The AA/OLEM may redelegate the authority in paragraph 1.a. above to the Deputy Assistant Administrator for Land and Emergency Management, and no further.
 - b. Regional Administrators may not redelegate the authority in paragraph 1.b. above.

- c. The AA/OLEM may redelegate concurrence authority in 3.a to the Deputy Assistant Administrator for Land and Emergency Management who may redelegate to the Office Director for the Office of Superfund Remediation and Technology Innovation, and no further.
- d. Regional Administrators may redelegate authorities in paragraph 1.c. to the Division Director level, or equivalent, and no further.
- e. Regional Administrators may redelegate authorities in paragraph 1.d. to the Branch Chief level, or equivalent, and no further. In those Regions where the Branch Chief is not the first line supervisor, this authority may be further delegated to the Section Chief, or equivalent, and no further.
- f. .An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such re delegation at any time.

5. ADDITIONAL REFERENCES

- a. CERCLA, Sections 101(41)(C), 118, and 125(b).
- b. 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP).
- c. EPA Delegation 1-21, Federal Register.
- d. Executive Order 12580, as amended, January 23, 1987.
- e. Executive Order 13308, June 20, 2003.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-16, Demand Letters

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

14-16. Demand Letters (1200 TN 350 14-16)

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, including Section 107, to prepare, sign and issue demand letters to responsible parties.
2. **TO WHOM DELEGATED.** Assistant administrator for the Office of Enforcement and Compliance Assurance, assistant administrator for the Office of Land and Emergency Management and regional administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch-chief level or equivalent and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Section 104, 106, 109, 113, and 122 of CERCLA.
 - b. All applicable U.S. Environmental Protection Agency guidance and directives.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-15, Guidelines for Use of Imminent Hazard, Enforcement and Emergency Response Authorities

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

14-15. Guidelines for Use of Imminent Hazard, Enforcement and Emergency Response Authorities (1200 TN 350 14-15)

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, including Section 106(c), to establish, modify and publish guidelines for using the imminent hazard, enforcement and emergency response authorities under CERCLA and other existing statutes administered by the U.S. Environmental Protection Agency.
2. **TO WHOM DELEGATED.** Assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.** The assistant administrator for OECA must obtain the advance concurrence of the assistant administrator for the Office of Land and Emergency Management before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the section chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.

14-14I. Small Business and Brownfields Liability Clarifications

1200 TN 554

Approved 07/28/2003

Administrative Update 02/01/2017

1. AUTHORITY.

- a. To exercise authority under section 107(o)(1)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (to determine by regulation greater or lesser amounts than those specified in section 107(o)(1)(A) regarding the de micromis exemption).
- b. To exercise authority to consult on determinations by the heads of executive departments and agencies pursuant to:
 - 1. Section 107(o)(2)(A) (regarding exceptions to the de micromis exemption).
 - 2. Section 107(p)(2) (regarding exceptions to the municipal solid waste exemption).
- c. To exercise authority pursuant to section 107(o)(2)(A) (regarding exceptions to the de micromis exemption) and section 107(p)(2) (regarding exceptions to the municipal solid waste exemption).
- d. To exercise authority pursuant to section 107(q)(3) (regarding issuance of no action assurances and grants of protection against a cost recovery or contribution action under section 113(f) to contiguous property owners).
- e. To exercise authority pursuant to section 107(r) (regarding agreements to obtain a lien on other property or to obtain other satisfactory assurance of payment for unrecovered response costs regarding the prospective purchaser exemption).
- f. To exercise authorities pursuant to sections 107(o)-(r) other than those specified in paragraphs 1.a. through 1.e.

2. TO WHOM DELEGATED.

- a. The authorities in paragraphs 1.a. and 1.b. are delegated to the assistant administrator for the Office of Enforcement and Compliance Assurance.
- b. The authorities in paragraph 1.c. are delegated to the regional administrators and the assistant administrator for OECA.
- c. The authorities in paragraphs 1.d., 1.e., and 1.f. are delegated to the RAs.

3. LIMITATIONS.

- a. RAs must exercise the authorities in paragraph 1.c. in consultation with the AA for OECA. The AA for OECA may waive, in whole or in part, any of these limitations by memorandum.
- b. The AA for OECA must notify the appropriate RA when exercising the authorities in paragraph 1.c.
- c. When either the AA for OECA or the RA exercises the authority in paragraph 1.c. regarding natural resource restoration, that official must consult with the federal natural resource trustee.
- d. RAs must obtain the concurrence of the AA for OECA prior to exercising the authority in paragraph 1.d. The AA for OECA may waive, in whole or in part, this limitation by memorandum.
- e. RAs must exercise the authority in paragraph 1.e. in consultation with the AA for OECA. The AA for OECA may waive, in whole or in part, this limitation by memorandum.

4. REDELEGATION AUTHORITY.

- a. The AA for OECA may redelegate the authority in paragraph 1.a to the Deputy AA and no further.
- b. The AA for OECA may redelegate the authorities in paragraph 1.b. to the office director level, or equivalent, and no further.
- c. RAs and the AA for OECA may redelegate the authorities in paragraph 1.c. to the division director level, or equivalent, and no further.
- d. RAs may redelegate the authority in paragraph 1.d. to the division director level, or equivalent, and no further.
- e. RAs may redelegate the authorities in paragraphs 1.e. and 1.f. to the branch chief level, or equivalent, and no further.
- f. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Section 107 of CERCLA.
- b. Sections 102, 221 and 222 of the Small Business Liability Relief and Brownfields Revitalization Act.

- c. U.S. Environmental Protection Agency Delegation 14-26, Federal Lien.
- d. EPA Delegation 14-42, Concurrence in the Exercise of Authority under CERCLA Sections 106(a) and 122 by the Secretaries of Interior, Commerce, Agriculture, Defense and Energy.
- e. Executive Order 13308, June 20, 2003.

14-14H Enforcement in Cases of a Release Subject to State Programs

1200 TN 554

Approved 07/28/2003

Administrative Update 02/01/2017

1. AUTHORITY.

- a. To exercise authority pursuant to Section 128(b)(1)(B)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.
- b. To exercise authority to consult on determinations by the heads of executive departments and agencies pursuant to Section 128(b)(1)(B)(ii).
- c. To exercise authority pursuant to Section 128(b)(1)(B)(iii) or (iv).
- d. To exercise authority pursuant to Section 128(b)(1)(D) (regarding the notification of States).
- e. To exercise authority pursuant to Section 128(b)(1)(E) (report to Congress describing the basis for the enforcement action taken pursuant to Section 128(b)(1)(B)(ii) when the U.S. Environmental Protection Agency is the lead federal agency).
- f. To exercise authority pursuant to Section 128(b)(1)(E) (report to Congress describing the basis for the enforcement action taken pursuant to Section 128(b)(1)(B)(iii) or (iv)).
- g. To exercise authorities pursuant to Section 128(b) other than those specified in paragraphs 1.a. through 1.f.

2. TO WHOM DELEGATED.

- a. The authorities in paragraphs 1.a., 1.c., 1.d., 1.e. and 1.g. are delegated to regional administrators.
- b. The authorities in paragraphs 1.b. and 1.f. are delegated to the assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS.

- a. RAs must exercise the authority in paragraph 1.a. in consultation with the AA for OECA and the assistant administrator for the Office of Land and Emergency Management. The AA for OECA and the AA for OLEM may waive, in whole or in part, this limitation by memorandum.
- b. RAs must obtain the concurrence of the AA for OECA, in consultation with the AA for OLEM, prior to exercising the authority in paragraph 1.c. When immediate action is

necessary, the RAs may exercise the authority in paragraph 1.c. without concurrence after providing notice to the AA for OECA and the AA for OLEM. The AA for OECA and the AA for OLEM may waive, in whole or in part, this limitation by memorandum.

4. REDELEGATION AUTHORITY.

- a. RAs may redelegate the authority in paragraph 1.a. to the division director level, or equivalent, and no further.
- b. The AA for OECA may redelegate the authorities in paragraphs 1.b. to the office director level, or equivalent, and no further.
- c. RAs may redelegate the authorities in paragraphs 1.c. and 1.d. to the division director level, or equivalent, and no further.
- d. RAs may not redelegate the authority in paragraph 1.e.
- e. The AA for OECA may redelegate the authority in paragraph 1.f to the Deputy AA and no further.
- f. RAs may redelegate the authority in paragraph 1.g. to the branch chief level, or equivalent, and no further.
- g. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Section 106, 107 and 128 of CERCLA.
- b. Section 231 of the Small Business Liability Relief and Brownfields Revitalization Act.
- c. Referral of judicial enforcement actions brought under Section 107 are covered by EPA Delegation 14-12, Civil Judicial Enforcement Actions.
- d. Agency Delegation 14-42, Concurrence in the Exercise of Authority under CERCLA Sections 106(a) and 122 by the Secretaries of Interior, Commerce, Agriculture, Defense and Energy.
- e. Executive Order 13308, June 20, 2003.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-14E, De Minimis Settlements

FROM:

Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO:

Assistant Administrator

Office of Enforcement and Compliance Assurance

Regional Administrators

14-14E. De Minimis Settlements (1200 TN 554)

1. **AUTHORITY.** To exercise the U.S. Environmental Protection Agency's authority pursuant to Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** Regional administrators and the assistant administrator for OECA should exercise this authority consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart" or successor documents, as appropriate.
4. **REDELEGATION AUTHORITY.**
 - a. Regional administrators and the assistant administrator for OECA may redelegate their respective authorities to the branch-chief level or equivalent and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 102(b) of the Small Business Liability Relief and Brownfields Revitalization Act.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-14D. Cost Recovery Non-Judicial Agreements and Administrative Consent Orders

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

**14-14D. Cost Recovery Non-Judicial Agreements and Administrative Consent Orders
(1200 TN 350 14-14D)**

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, including sections 104, 107 and 122(h), to enter into or exercise concurrence in non-judicial agreements or administrative orders on consent for the recovery of costs of response.
2. **TO WHOM DELEGATED.** Regional administrators.
3. **LIMITATIONS.**
 - a. Regional administrators should consult with the assistant administrator for the Office of Enforcement and Compliance Assurance consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart" or successor documents, as appropriate.
 - b. This authority does not include de minimis settlements under CERCLA Section 122(g).
 - c. This authority does not include referral of cost-recovery claims for resolution by arbitration of representation of the U.S. Environmental Protection Agency at arbitration hearings, conferences and negotiations.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch-chief level or equivalent and no further.

- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically delegated.

5. **ADDITIONAL REFERENCES.**

- a. All applicable EPA guidance and directives.
- b. Authority to enter consent orders for administrative actions is delegated in agency Delegation 14-14C, "Administrative Actions through Consent Orders."
- c. Authority to refer cost recovery claims for resolution by arbitration and to represent the agency at arbitration hearings, conferences and negotiations is delegated in agency Delegation 14-14F, "Cost Recovery Arbitration."
- d. Authority to enter into or exercise agency concurrence authority in de minimis settlements under CERCLA Section 122(g) is delegated in agency Delegation 14-14E, "De Minimis Settlements."
- e. As required by Section 122(h)(1) of CERCLA, if total response costs at the facility exceed \$500,000 (excluding interest), the agency may not compromise the claim without the prior written approval of the Attorney General.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-14C, Administrative Actions through Consent Orders

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Regional Administrators

14-14C. Administrative Actions through Consent Orders (1200 TN 349)

1. **AUTHORITY.** After giving notice to the affected state, to take administrative action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, including Sections 104, 106, and 122, including, but not limited to, issuing such orders on consent as may be necessary to protect public health and welfare and the environment.
2. **TO WHOM DELEGATED.** Regional administrators.
3. **LIMITATIONS.**
 - a. This authority does not include recovery of response costs under CERCLA section 122(h) or settlements with de minimis parties under CERCLA Section 122(g).
 - b. Regional administrators should exercise this authority consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart," or successor documents, as appropriate.
 - c. The regional administrator must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising this authority. The regional counsel, or equivalent, may waive concurrence in writing.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Applicable U.S. Environmental Protection Agency guidance and directives.
- b. Authority to enter into or exercise EPA concurrence authority for non-judicial cost recovery agreements or administrative orders under CERCLA Section 122(h) is delegated in Agency Delegation 14-14D, "Cost Recovery Non-Judicial Agreements and Administrative Consent Orders."
- c. Authority to enter into or exercise agency concurrence authority in de minimis settlements under CERCLA Section 122(g) is delegated in Agency Delegation 14-14E, "De Minimis Settlements."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-14B, Administrative Actions through Unilateral Orders

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line and extends slightly into the "TO:" line.

TO: Regional Administrators

14-14B. Administrative Actions through Unilateral Orders (1200 TN 350 14-14B)

1. **AUTHORITY.** After giving notice to the affected state to take administrative action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, including section 106, including but not limited to issuing such unilateral orders as may be necessary to protect human health and welfare and the environment.
2. **TO WHOM DELEGATED.** Regional administrators.
3. **LIMITATIONS.**
 - a. Regional administrators should consult with the assistant administrator for the Office of Enforcement and Compliance Assurance consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart," or successor documents, as appropriate.
 - b. The Regional Administrator must obtain the advance concurrence of the regional counsel or equivalent on the legal sufficiency of the action before exercising this authority. The regional counsel or equivalent may waive concurrence in writing.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch-chief level or equivalent and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Section 104 of CERCLA.
 - b. Applicable U. S. Environmental Protection Agency guidance and OLEM directives.

Delegation of Authority

14-14A. Determinations of Imminent and Substantial Endangerment

1200 TN 533
11/01/2001

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 106(a), and 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP), to make determinations that there may be an imminent and substantial endangerment to public health or welfare or the environment.
2. **TO WHOM DELEGATED.** Regional Administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Branch Chief level, or equivalent, and no further.
5. **ADDITIONAL REFERENCES.** None.

14-14A. Determinations of Imminent and Substantial Endangerment

(1200 TN 533)

Approved 11/01/2001

Administrative Update 01/31/2017

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, including section 106(a), and 40 CFR Part 300, “National Oil and Hazardous Substances Pollution Contingency Plan,” to make determinations that there may be an imminent and substantial endangerment to public health or welfare or the environment.
2. **TO WHOM DELEGATED.** Regional administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 12 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-13C, Emergency Temporary Restraining Orders

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

14-13C. Emergency Temporary Restraining Orders (1200 TN 350 14-13C)

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, including Section 106, to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and to the appropriate U.S. Attorney.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. The regional administrator must obtain the advance concurrence of the regional counsel or equivalent on the legal sufficiency of the referral before exercising this authority. The regional counsel or equivalent may waive concurrence in writing.
 - b. The regional administrator must notify the assistant administrator for OECA and the assistant administrator for the Office of Land and Emergency Management before exercising this authority. The assistant administrator for OECA may waive the requirement for notification in writing.
 - c. The assistant administrator for OECA must notify the appropriate regional administrator and the assistant administrator for OLEM before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. The assistant administrator for OECA may redelegate this authority to the division-director level or equivalent and no further.
 - b. The regional administrators may redelegate this authority to on-scene coordinators and no further.

- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. REFERENCES.

- a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).
- b. Section 107 of CERCLA.
- c. For referral of other civil actions under CERCLA, see the Chapter 14 Delegation titled "Civil Judicial Enforcement Actions."



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-13B, Concurrence in Settlement of Civil Judicial Actions

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the name.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

14-13B. Concurrence in Settlement of Civil Judicial Actions (1200 TN 350 14-13B)

1. AUTHORITY.

- a. To exercise the U.S. Environmental Protection Agency's concurrence authority in the settlement of civil judicial enforcement actions under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.
- b. To request the attorney general to amend a consent decree issued under CERCLA.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.

3. LIMITATIONS.

- a. Only the assistant administrator of OECA may exercise these authorities with regard to multi-regional bankruptcy settlements and multi-regional insurance receivership settlements.
- b. The regional administrators and the OECA assistant administrator should exercise these authorities consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CA/UST Roles Chart," or successor documents, as appropriate.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the division director level or equivalent and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 104, 106, 107, 109 and 122 of CERCLA.
- b. All other applicable EPA agency guidance and directives.
- c. For actions including 31 U.S.C. 3711 and its applicable regulations, see delegations covering claims of the agency found in Chapter I of this Manual.
- d. Settlements under CERCLA Section 122(g) are covered by delegation 14-14E, De Minimis Settlements.

14-9. Claims Asserted Against the Fund for Response Costs

1200 TN 547

07/24/2002

Administrative Update 10/16/2016

1. AUTHORITY.

Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Sections 111, 112 and 122; 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP); 40 CFR Part 307, "CERCLA Claims Procedures"; and 40 CFR Part 305, "CERCLA Administrative Hearing Procedures for Claims Against the Superfund":

- a. To preauthorize claims against the Hazardous Substance Superfund for necessary response costs;
- b. To approve reimbursement for claimed response costs; and
- c. To serve as the Review Officer.

2. TO WHOM DELEGATED.

- a. Regional Administrators are delegated the authorities in 1.a and 1.b above.
- b. The Assistant Administrator for Land and Emergency Management (AA/OLEM) is delegated the authority in 1.c.

3. LIMITATIONS.

- a. Regional Administrators must obtain approval from both the AA/OLEM and the Assistant Administrator for Enforcement and Compliance Assurance (AA/OECA) or his/her designee before exercising the authorities in 1.a (for the original preauthorization and any modifications thereto). The AA/OLEM and the AA/OECA or his/her designee may waive this limitation by memorandum.
- b. Regional Administrators must obtain approval from the AA/OLEM before exercising the authorities in 1.b. The AA/OLEM may waive this limitation by memorandum.
- c. The Review Officer may not be the same official who approved 1.a and 1.b authorities.
- d. These authorities shall be exercised subject to approved funding levels.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the division Director level or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. EPA Delegation 14-13-B, Concurrence in Settlement of Civil Judicial Actions
- b. EPA Delegation 14-14-C, Administrative Actions Through Consent Orders



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-8B. Studies and Investigations Related to Cost Recovery and Enforcement Decisions; Special Notice

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

14-8B. Studies and Investigations Related to Cost Recovery and Enforcement Decisions; Special Notice (1200 TN 350 14-8B)

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, including sections 104 and 122, to make determinations as to the necessity and appropriateness of studies and investigations related to the recovery of response costs and the enforcement of the provision of this Act; and to undertake such studies and investigations; and to make decisions, determinations, findings, notifications and non-binding allocations of responsibility under section 122.
2. **TO WHOM DELEGATED.** Assistant administrator for the Office of Land and Emergency Management, assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 106 and 107 of CERCLA.
- b. All applicable U.S. Environmental Protection Agency guidance and directives.
- c. See EPA Delegation 14-6 for issuance of Section 104(e) requests.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-6, Inspections, Sampling, Information Gathering, Subpoena, and Entry for Response

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

**14-6. Inspections, Sampling, Information Gathering, Subpoena, and Entry for Response
(1200 TN 350 14-6)**

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, including Sections 104, 109 and 122:
 - a. To enter any vessel, facility, establishment, place, property or location for the purposes of inspections, sampling, information gathering and response actions.
 - b. To require the production of information and documents.
 - c. To issue subpoenas.
 - d. To issue compliance orders for production of information and documents.
 - e. To issue compliance orders for entry and inspection.
 - f. To obtain and execute warrants to support this authority.
 - g. To carry out any inspections, sampling and information gathering authorized by the CERCLA.
 - h. To designate representatives of the Administrator to perform the functions specified in paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, and 1.g.

2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Land and Emergency Management, the assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. The assistant administrator for OLEM and the assistant administrator for OECA must notify the appropriate regional administrator prior to exercising the authority in 1.a. – 1.g, except in the case of nationally managed programs.
 - b. The assistant administrator for OLEM must consult with the assistant administrator for OECA prior to requesting warrants, issuing compliance orders, or issuing subpoenas.
 - c. Regional administrators must consult with the regional counsel, or equivalent, prior to requesting a warrant, issuing subpoenas or issuing compliance orders.
 - d. Regional administrators should consult with the assistant administrator for OECA prior to issuing compliance orders regarding information gathering or compliance orders for entry and inspection or issuing subpoenas consistent with the most recent version of the “OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart,” or successor documents, as appropriate.
4. **REDELEGATION AUTHORITY.**
 - a. The authority in 1.a, 1.b, 1.c, 1.f, and 1.g. may be redelegated to the staff level.
 - b. The authority in 1.d, 1.e, and 1.h may be redelegated to the branch chief level, or equivalent, and no further.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Relegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Sections 104(e), 109(a), 109(b), and 122(e) of the CERCLA.
 - b. National Contingency Plan, 40 CFR 300.
 - c. U.S. Environmental Protection Agency Order 3510, “EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities.”
 - d. EPA Delegation 14-12, “Civil Judicial Enforcement Actions, Including Collection Actions.”



E. SCOTT PRUITT
ADMINISTRATOR

May 9, 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-2 Responses

FROM: E. Scott Pruitt

TO: Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

14-2. Responses (1200 TN 531)

1. AUTHORITY.

To respond to any release or threatened release of a hazardous substance, pollutant or contaminant pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, Section 104, and 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan."

2. TO WHOM DELEGATED.

- a) The Administrator reserves the authority to select the remedy in the Record of Decision when the estimated cost of the remedy exceeds \$50 million. The Administrator may delegate this authority to the Deputy Administrator and no further.
- b) All other authorities are delegated to the assistant administrator for the Office of Land and Emergency Management and regional administrators.

3. LIMITATIONS.

- a) These authorities shall be exercised subject to approved funding levels.
- b) Regional Administrators may exercise these authorities only at sites located within their respective regions, unless there is a memorandum of agreement that authorizes cross-boundary emergency response.
- c) Regional Administrators may select a response action. Consultation prior to selection may be required by memorandum from the AA OLEM.

- d) Unless waived by memorandum, the AA OLEM must approve the use of the consistency waiver in Section 104(c) (1)(C) of CERCLA for removal actions at sites not proposed to or final on the National Priorities List.
- e) When the emergency waiver in Section 104(c)(1)(A) is used, regional administrators may approve removal actions costing up to \$6 million. Regional administrators must seek approval from the AA OLEM for removal actions costing more than \$6 million and requiring the emergency waiver. This limitation may be waived or modified by memorandum from the AA OLEM.
- f) Unless waived by memorandum, the AA OLEM must concur prior to the initiation of a removal action at non-NPL sites where the proposed action is on the List of Nationally Significant or Precedent-Setting Removal Action categories.

4. REDELEGATION AUTHORITY.

- a) The AA OLEM may redelegate these authorities to the office director level, or equivalent, and no further.
- b) Regional administrators may redelegate these authorities to the branch chief level, or equivalent, and no further.
- c) Regional administrators may redelegate to designated On-Scene Coordinators the authority to determine the need for emergency response and to approve and initiate removal actions costing up to \$250,000 where site conditions constitute an emergency and up to \$50,000 where site conditions do not constitute an emergency.
- d) An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a) CERCLA, Sections 101(23), 101(24), 105, 113, 116, 117, 118, 120, 121 and 126(b).
- b) 40 CFR 35, Subpart O, "Cooperative Agreements and Superfund State Contracts for Superfund Response Actions."
- c) EPA Delegation 14-1, Superfund State Contracts and Cooperative Agreements.
- d) EPA Delegation 14-17, National Priorities List.
- e) EPA Delegation 14-22, Response Action Administrative Record.
- f) EPA Delegation 14-30, Acquisition of Property.
- g) Limited Contracting Officer Warrant Authority issued to designated OSCs.
- h) "Use of Non-Time-Critical Removal Authority in Superfund Response Actions," OSWER Directive 9360.0-40P, February 14, 2000, specifying the director, Office of Emergency and Remedial Response/OLEM will consult with the Director, Office of Site Remediation Enforcement/Office of Enforcement and Compliance Assurance prior to concurring on any engineering evaluation/cost analysis approval memorandum for a Fund-lead action that could exceed \$6 million.
- i) All other directives, policy and guidance issued by OLEM and OECA pertaining to response and consultation requirements.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 17 2016

MEMORANDUM

SUBJECT: Delegation of Authority under Section 405(b) of the Toxic Substances Control Act

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: James J. Jones, Assistant Administrator
Office of Chemical Safety and Pollution Prevention

I hereby delegate to the assistant administrator for the Office of Chemical Safety and Pollution Prevention the authority to perform the functions and duties authorized by Section 405(b) of the Toxic Substances Control Act.

12-37. Section 405(b) of the Toxic Substances Control Act (1200 TN 632)

1. **AUTHORITY.** The authority to perform the functions and duties authorized by Toxic Substances Control Act Section 405(b).
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** Before issuing an action under this delegation of authority, the Office of Chemical Safety and Pollution Prevention must consult with the Office of General Counsel.
4. **REDELEGATION AUTHORITY.**
 - a. The assistant administrator for the Office of Chemical Safety and Pollution Prevention may redelegate this authority to the office director level or equivalent, and it may be further redelegated to the division-director level or equivalent, and no further.
 - b. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of the delegated authority.
 - c. An official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** Section 405, TSCA, 15 U.S.C. 2685.

Moritz, Brigitte

From: Wachter, Eric
Sent: Thursday, March 17, 2016 5:33 PM
To: Jones, Jim
Subject: TSCA delegation of authority
Attachments: OARM-16-000-4885.pdf

Hello, Jim,

Please see the attached memorandum from the Administrator. Thank you.

Eric E. Wachter
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-7960 office
(202) 596-0246 cell



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 19 2013

MEMORANDUM

SUBJECT: Approval of Delegation of Authority 12-36 to Implement Functions of the Formaldehyde Standards for Composite-Wood Products

FROM: Gina McCarthy

TO: Assistant Administrator, Office of Chemical Safety and Pollution Prevention

I hereby delegate to the assistant administrator for the Office of Chemical Safety and Pollution Prevention the authority to perform the functions and responsibilities regarding the implementation and oversight of the regulatory requirements under the Formaldehyde Standards for Composite-Wood Products Act or Title VI of the Toxic Substances Control Act.

12-36 Formaldehyde Standards for Composite-Wood Products (1200 TN 625)

1. **AUTHORITY.** The authority to perform U.S. Environmental Protection Agency functions and responsibilities regarding the implementation of the formaldehyde standards for composite-wood products in a manner that ensures compliance with the emission standards described in 15 U.S.C. 2697(b)(2).
 - a. General: The functions and responsibilities regarding the issuance of *Federal Register* documents necessary as part of the implementation of the statutory provisions in a manner that ensures compliance with the emission standards described in 15 U.S.C. 2697(b)(2), including but not limited to notices, proposed and final rules.
 - b. Composite-Wood Products: The functions and responsibilities regarding the implementation of the statutory formaldehyde-emission standards for hardwood plywood, medium-density fiberboard and particle board sold, supplied, offered for sale or manufactured, including imported, in the U.S. pursuant to 15 U.S.C. 2697. This includes but is not limited to regulations that:
 - i. Modify the definition of the term "hardwood plywood" to exempt engineered veneer or any laminated product. 15 U.S.C. 2697(a)(3)(C)(i).
 - ii. Establish or revise other routine quality-control test methods and equivalence criteria. 15 U.S.C. 2697(a)(7)(A), 2697(a)(10)(A); 15 U.S.C. 2697(b)(3)(A) and (B).
 - iii. Establish or revise the number and frequency of tests required to demonstrate compliance with the emission standards. 15 U.S.C. 2697(b)(3)(C).
 - iv. Establish or revise reduced testing requirements for manufacturers of covered products. 15 U.S.C. 2697(a)(10)(C).
 - v. Establish or revise exceptions for products and components containing de minimis amounts of composite-wood products. 15 U.S.C. 2697(d)(2)(L).

vi. Substitute an industry standard or test method referenced in the statute with its successor version. 15 U.S.C. 2697(d)(5).

c. Third-Party Certification Program: The functions and responsibilities regarding the Third-Party Certification Program for composite-wood products established pursuant to 15 U.S.C. 2697(d)(2)(G) and 15 U.S.C. 2697(d)(2)(H). This includes but is not limited to the activities associated with the:

- i. Recognition of laboratory accreditation bodies and product ABs.
- ii. Revocation or suspension of the EPA recognition of a laboratory and product ABs.
- iii. Revising the requirements and applicable regulations necessary to implement the TPC Program.

2. **TO WHOM DELEGATED.** The authorities under section 1.a. to 1.c. above are delegated to the assistant administrator for the Office of Chemical Safety and Pollution Prevention.

3. **LIMITATIONS.**

- a. The assistant administrator for the Office of Chemical Safety and Pollution Prevention will use the agency's action-development process to notify other offices and offer the opportunity to participate in developing regulations.
- b. In the case of a nonconcurrence on the part of any reviewing official that cannot be resolved at the assistant-administrator level, the authority to sign the regulation will revert to the Administrator.

4. **REDELEGATION AUTHORITY.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention may redelegate the authorities under section 1.c. to the director of the Office of Pollution Prevention and Toxics and then may be redelegated to the division director of the National Program Chemicals Division in OPPT or equivalent and no further. This authority may be exercised by any person in the chain of command to the person to whom it has been delegated. Any redelegation of this authority does not divest the official making the redelegation from the power to exercise this authority.

5. **ADDITIONAL REFERENCES.**

- a. Formaldehyde Standards for Composite-Wood Products Act, TSCA Subchapter VI (15 U.S.C. 2697).
- b. 40 CFR part 770.



Delegation of Authority

1200 TN 608
09/27/2010

Toxic Substances Control Act

12-35. Exemptions from Prohibition on Export of Elemental Mercury

1. **AUTHORITY.** To perform EPA's responsibility under section 12(c)(4) of the Toxic Substances Control Act to grant, suspend, cancel, or otherwise act upon petitions for exemptions from the prohibition on export of elemental mercury set out in section 12(c) of the Toxic Substances Control Act.
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATION.** None.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Director, Office of Pollution Prevention and Toxics, and may not be redelegated further.



Delegation of Authority

TOXIC SUBSTANCES CONTROL ACT

1200 TN 432

11/24/2009

12-34. Certification of Individuals and Firms under Section 404

1. **AUTHORITY.** In States or Indian Country without authorized Accreditation and Certification Programs under section 404 of the Toxic Substances Control Act (TSCA), the authority:
 - a. To grant certification and recertification to individuals engaged in lead-based paint activities as defined in 40 CFR part 745, subpart L, following the submission of an application meeting all the requirements of 40 CFR 745.226.
 - b. To suspend, revoke, or modify certification of individuals engaged in lead-based paint activities as defined in 40 CFR part 745, subpart L, pursuant to 40 CFR 745.226(g).
 - c. To grant certification to firms that perform or offer to perform any lead-based paint activities, as defined in 40 CFR part 745, subpart L, pursuant to 40 CFR 745.226(f).
 - d. To suspend, revoke, or modify certification of a firm engaged in lead-based paint activities, as defined in 40 CFR part 745, subpart L, pursuant to 40 CFR 745.226(h).
 - e. To grant certification to firms that perform or offer to perform renovations, as defined in 40 CFR 745.83, pursuant to 40 CFR 745, Subpart E.
 - f. To suspend, revoke, or modify certification of a firm or individual engaged in renovations, as defined in 40 CFR 745.83, pursuant to 40 CFR 745.91.
2. **TO WHOM DELEGATED.** The authorities in 1.a. thru 1.d. above are delegated to the Regional Administrators. The authorities in 1.e. and 1.f. above are delegated to the Assistant Administrator for Chemical Safety and Pollution Prevention.

- 3. REDELEGATION AUTHORITY.** The Regional Administrators may redelegate the authorities in 1.a. thru 1.d. above to the Regional Branch Chief level or its equivalent and no further. The AA Chemical Safety and Pollution Prevention may redelegate the authorities in 1.e. and 1.f. above to the Branch Chief level or its equivalent and no further.

4. ADDITIONAL REFERENCES.

- a. Title X, the Housing and Community Development Act of 1992, Public Law 102-550 (also known as "the Residential Lead-Based Paint Hazard Reduction Act of 1992"), which amended the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601) by adding Title IV - Lead Exposure Reduction.
- b. 40 CFR part 745.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 18 2013

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM

SUBJECT: Approval of Delegation of Authority 12-34 for the Certification of Individuals Under Toxic Substances Control Act Section 402

FROM: Bob Perciasepe, Acting Administrator

A handwritten signature in black ink, appearing to read "Bob Perciasepe", is written over the "FROM:" line.

TO: Jim Jones, Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Regional Administrators

I hereby grant you delegated authority for the Office of Chemical Safety and Pollution Prevention Delegation of Authority 12-34 related to the certification of individuals and firms under Toxic Substances Control Act Section 402.

**12-34. Certification of Individuals and Firms Under Toxic Substances Control Act Section 402.
(1200 TN 432)**

1. **AUTHORITY.** The authority under Section 402 of the Toxic Substances Control Act [15 U.S.C. 2682] to perform the functions and responsibilities related to the certification of individuals and firms in those states and Indian country that do not have an authorized accreditation and certification program under Section 404 of Toxic Substances Control Act, as follows:
 - a. The following functions and responsibilities regarding lead-based paint activities under 40 the Code of Federal Regulations 745, Subpart L:
 - i. To grant the certification and recertification to individuals, pursuant to 40 CFR 745.226.
 - ii. To suspend, revoke or modify the certification of individuals, pursuant to 40 CFR 745.226(g).
 - iii. To grant the certification to firms, pursuant to 40 CFR 745.226(f).
 - iv. To suspend, revoke or modify the certification of a firm, pursuant to 40 CFR 745.226(h).
 - b. The following functions and responsibilities regarding residential-property renovations under 40 CFR 745, Subpart E:
 - i. To grant the certification and recertification to firms, pursuant to 40 CFR 745.89.
 - ii. To suspend, revoke or modify the certification of a firm or individual, pursuant to 40 CFR 745.91.

2. **TO WHOM DELEGATED.** The authority in 1.a.i. and 1.a.ii. is delegated to the regional administrators. The authority in 1.a.iii., 1.a.iv. and 1.b. is delegated to the assistant administrator for the Office of Chemical Safety and Pollution Prevention.

3. **REDELEGATION AUTHORITY.**

- a. The regional administrators may redelegate the authorities in 1.a.i. and 1.a.ii. to the regional branch-chief level or its equivalent and no further.
- b. The assistant administrator for the Office of Chemical Safety and Pollution Prevention may redelegate the authorities in 1.a.iii., 1.a.iv., and 1.b. to the branch-chief level or its equivalent and no further.
- c. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials through the chain of command to the lowest level of delegated authority.
- d. An official who redelegates authority may revoke such redelegation at any time.

4. **ADDITIONAL REFERENCES.**

- a. Subchapter IV, Lead Exposure Reduction of the Toxic Substances Control Act [15 U.S.C. 2681 et seq.].
- b. 40 CFR Part 745.
- c. EPA Delegation 12-31. Authorization of State and Tribal Programs Under Section 404.
- d. EPA Delegation 12-32. Accreditation and Certification Fees Under Section 402(a)(3).
- e. EPA Delegation 12-33. Accreditation of Training Programs Under Section 404.



Delegation of Authority

TOXIC SUBSTANCES CONTROL ACT

1200 TN 432

11/24/2009

12-34. Certification of Individuals and Firms under Section 404

1. **AUTHORITY.** In States or Indian Country without authorized Accreditation and Certification Programs under section 404 of the Toxic Substances Control Act (TSCA), the authority:
 - a. To grant certification and recertification to individuals engaged in lead-based paint activities as defined in 40 CFR part 745, subpart L, following the submission of an application meeting all the requirements of 40 CFR 745.226.
 - b. To suspend, revoke, or modify certification of individuals engaged in lead-based paint activities as defined in 40 CFR part 745, subpart L, pursuant to 40 CFR 745.226(g).
 - c. To grant certification to firms that perform or offer to perform any lead-based paint activities, as defined in 40 CFR part 745, subpart L, pursuant to 40 CFR 745.226(f).
 - d. To suspend, revoke, or modify certification of a firm engaged in lead-based paint activities, as defined in 40 CFR part 745, subpart L, pursuant to 40 CFR 745.226(h).
 - e. To grant certification to firms that perform or offer to perform renovations, as defined in 40 CFR 745.83, pursuant to 40 CFR 745, Subpart E.
 - f. To suspend, revoke, or modify certification of a firm or individual engaged in renovations, as defined in 40 CFR 745.83, pursuant to 40 CFR 745.91.
2. **TO WHOM DELEGATED.** The authorities in 1.a. thru 1.d. above are delegated to the Regional Administrators. The authorities in 1.e. and 1.f. above are delegated to the Assistant Administrator for Prevention, Pesticides, and Toxic Substances (AA-PPPTS).

3. REDELEGATION AUTHORITY. The Regional Administrators may redelegate the authorities in 1.a. thru 1.d. above to the Regional Branch Chief level or its equivalent and no further. The AA/OPPTS may redelegate the authorities in 1.e. and 1.f. above to the Branch Chief level or its equivalent and no further.

4. ADDITIONAL REFERENCES.

- a. Title X, the Housing and Community Development Act of 1992, Public Law 102-550 (also known as "the Residential Lead-Based Paint Hazard Reduction Act of 1992"), which amended the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601) by adding Title IV - Lead Exposure Reduction.
- b. 40 CFR part 745.




THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 24 2015

MEMORANDUM

SUBJECT: Request for Approval of Temporary Delegation of Authority for Approval of Assistance Agreements and Administration of the Targeted Air Shed Grant Program

FROM: Gina McCarthy 

TO: Janet G. McCabe, Acting Assistant Administrator

I hereby delegate to the Office of Air and Radiation assistant administrator a temporary delegation of authority under the U.S. Environmental Protection Agency's 2015 Appropriations Act, P.L. 113-235, for approval of assistance agreements and administration of the Targeted Air Shed grant program. However, as to administration of the grant program, this temporary delegation of authority will remain effective until such time as all Targeted Air Shed grants are closed out.

1. **AUTHORITY.** Fiscal year 2015 Appropriations Act P.L. 113-235 contained a line item for \$10 million for Targeted Air Shed assistance agreements.
2. **TO WHOM DELEGATED.** Assistant administrator for the Office of Air and Radiation.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. May be redelegated to regional administrators and regional air-division directors and no further.
 - b. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials within the chain of command to the lowest level of the delegated authority.
 - c. An official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** None.



Delegation of Authority

1200 TN 607
06/16/2010

38-1 Rocky Mountain Arsenal National Wildlife Refuge Act of 1992, Section 2(b)(2)

1. **AUTHORITY.** Pursuant to Section 2(b)(2) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Pub. L. 102-402), the authority to certify to the Secretary of the Army that response action required at the Arsenal and any action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at the Arsenal have been completed, except operation and maintenance associated with those actions.
2. **TO WHOM DELEGATED.** The Regional Administrator, Region 8.
3. **LIMITATIONS.** No limitations to the delegation are necessary.
4. **REDELEGATION AUTHORITY.** This authority may be re-delegated to the Assistant Regional Administrator for the Office of Ecosystem Protection ☐ Remediation, and no further.
5. **ADDITIONAL REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 12 2017

MEMORANDUM

SUBJECT: Delegation of Authority 37-8, Emergency Temporary Restraining Orders

FROM: Gina McCarthy

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

37-8. Emergency Temporary Restraining Orders (1200 TN 541)

1. **AUTHORITY.** Pursuant to the Mercury-Containing and Rechargeable Battery Management Act, including Section 5, to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and to the appropriate U.S. Attorney.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. The regional administrator must obtain the advance concurrence of the regional counsel or equivalent on the legal sufficiency of the referral before exercising this authority. The regional counsel or equivalent may waive concurrence in writing.
 - b. The regional administrators must notify the assistant administrator for OECA before exercising this authority. The assistant administrator for OECA may waive the requirement for notification in writing.
 - c. The assistant administrator for OECA must notify the appropriate regional administrator before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division-director level or equivalent and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. REFERENCES.

- a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).

Delegation of Authority

37-2. Inspections and Information Gathering

1200 TN 541

12/19/2001

Administrative Update 12/15/2015

1. AUTHORITY.

- a. Pursuant to Section 6 of the Act, to inspect any establishment, facility or other premises in which records or reports in the possession of a person that is required to carry out the objectives of this Act are held. Any such inspection shall be conducted in accordance with Section 6 of the Act.
- b. To request the Department of Justice to obtain and execute warrants for the purpose of performing inspections and information gathering.
- c. To carry out or require the carrying out of any other inspection and information gathering activities authorized by the Act.
- d. To designate representatives of the Administrator to perform the functions in subparagraphs a, b, and c, above.

2. **TO WHOM DELEGATED** The Assistant Administrator for Enforcement and Compliance Assurance, the Assistant Administrator for Land and Emergency Management, and the Regional Administrators.

3. LIMITATIONS

- a. The Assistant Administrator for OLEM must consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee and delegates of the affected Regional Administrator must consult with the affected Regional Counsel or their designees prior to requesting warrants.
- b. The Assistant Administrator for OLEM and the Assistant Administrator for Enforcement and Compliance Assurance must notify the appropriate Regional Administrator prior to exercising any of the authorities specified in subparagraphs 1.a., 1.b., and 1.c..

4. REDELEGATION AUTHORITY

- a. In the Office of Enforcement and Compliance Assurance, this authority may be redelegated through the Director, Office of Regulatory Enforcement, to the Director, RCRA Enforcement Division. In the OLEM and in the Regions, this authority may be redelegated to the Division Director level.
- b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES None.

Delegation of Authority

33-1. Lease of Property at Department of Energy Weapon Production Facilities

1200 TN 449

7/23/97

Administrative Update 12/15/2015

1. **AUTHORITY.** Pursuant to the Department of Energy Organization Act, as amended by the Defense Authorization Act of 1993, to determine whether the environmental conditions of property on the National Priorities List under the control of the Department of Energy are such that leasing the property, and the terms and conditions of the lease agreement, are consistent with safety and the protection of public health and the environment.
2. **TO WHOM DELEGATED.** Assistant Administrator for Land and Emergency Management and Regional Administrators.
3. **LIMITATIONS.** Regional Administrators or their delegates must notify the Assistant Administrator for Land and Emergency Management or his/her designee prior to exercising this authority, at the time the Federal agency formally requests the concurrence under section 3154(e)(2) of the Act.
4. **REDELEGATION AUTHORITY.**
 - a. The authority of the Assistant Administrator for OLEM may be redelegated to the Office Director level, and may not be redelegated further.
 - b. The authority of the Regional Administrators may be redelegated to the Regional Division Director level or equivalent, and/or the Associate Director for the Office of Superfund Programs in Region 3, the Deputy Director for the Waste Management Division in Region 4, the Director for the Superfund Division in Region 5, and the Chief of the Federal Facilities Cleanup Branch in Region 9, and may not be redelegated further.
 - c. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. Section 120 of CERCLA.
 - b. Section 3154 of the Defense Authorization Act of 1993.

32-1. Implementation of WIPP Compliance Criteria at 40 CFR Part 194

1200 TN 569
07/20/2016

1. **AUTHORITY.** To serve as the Administrator's authorized representative for the provisions of 40 CFR Part 194 identified in item 4.c. of the Additional References below. These provisions encompass administrative functions associated with the implementation of the Waste Isolation Pilot Plant (WIPP) compliance criteria.
2. **TO WHOM DELEGATED.** Assistant Administrator for Air and Radiation.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. Authority under 40 CFR 194.4(b)(1) to revoke or modify the certification of the WIPP may be redelegated to the deputy assistant administrator and no further.
 - b. All other authority under this order may be redelegated to the Director, Office of Radiation and Indoor Air. This authority may not be redelegated further, except that the authority under 40 CFR Part 194, Subpart C, §§194.8, 194.21(a), §§194.21(b), 194.22(e), 194.24(h), and §§194.23(d), to inspect WIPP and WIPP-related locations, to obtain samples and perform monitoring, to obtain and review records, and to verify computer simulations, may be redelegated to the staff level.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 1992 Waste Isolation Pilot Plant Land Withdrawal Act, P.L. 102-579; 1996 Waste Isolation Pilot Plant Land Withdrawal Amendment Act.
 - b. 40 CFR Part 191, Subparts B and C.
 - c. 40 CFR Part §§194.3(a), §§194.3(b)(1), §§194.4, §§194.8, §§194.11, §§194.12, §§194.13, §§194.14(j), §§194.15(a)(7), §§194.21(a),(b),(c),(d), §§194.22(e), §§194.23(d), §§194.24(h), §§194.43(c), §§194.61(d), §§194.64(a)(e), §§194.65, §§194.66.

30-2. Commenting on DOD Regulations Regarding the Environmental Restoration and Transfer of Property at Closing Military Installations

**1200 TN 368
07/20/2016**

- 1. AUTHORITY.** To make determinations, in consultation with the Secretary of Defense or his or her designee, pursuant to subsection 2908(c) of the National Defense Authorization Act for Fiscal Year 1994 ("Act"), regarding Defense Department regulations promulgated under subsection 2908(c) of the Act, concerning the environmental restoration of property being transferred as a result of military base closures.
 - 2. TO WHOM DELEGATED.** The Assistant Administrator for Land and Emergency Management.
 - 3. LIMITATIONS.** None.
 - 4. REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the deputy assistant administrator level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
- 2. ADDITIONAL REFERENCES.**
- a. The National Defense Authorization Act for Fiscal Year 1994.
 - b. Subsection 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980.
 - c. Subsection 204(d) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of P.L. 100-526).
 - d. Subsection 2905(e) of the Defense Base Closure and Realignment Act of 1990 (title XXIX, part A of P.L. 101- 510).

30-1. Memorandum-of-Understanding Regarding the Transfer of Property at Closing Military Installations

1200 TN 368

07/20/2016

1. **AUTHORITY.** To enter into a memorandum-of-understanding (MOU) with the Secretary of Defense, pursuant to section 2906 of the National Defense Authorization Act for Fiscal Year 1994, regarding the leasing of property being transferred as a result of military base closures.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Land and Emergency Management.
3. **LIMITATIONS.** None
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the deputy assistant administrator level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. The National Defense Authorization Act for Fiscal Year 1994.
 - b. Subsection 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980.
 - c. Defense Authorization Amendments and Base Closure and Realignment Act (P.L. 100-526).
 - d. Defense Base Closure and Realignment Act of 1990 (title XXIX, part A of P.L. 101-510).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 25 2013

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Request for Approval of Proposed Delegation of Authority 29-2 for the Assistant Administrator of Water to Serve as Trustee for the Deepwater Horizon Oil Spill

FROM: Bob Perciasepe, Acting Administrator *Bob Perciasepe*

TO: Assistant Administrator, Office of Water

I hereby delegate authority to the assistant administrator of the U.S. Environmental Protection Agency's Office of Water to serve as trustee for the Deepwater Horizon Oil Spill to represent the EPA on the Deepwater Horizon Oil Spill Natural Resource Damage Trustee Council and make decisions on natural-resource damage assessment and restoration in connection with injury to, destruction of, loss of or loss of use of natural resources resulting from the spill.

29-2. Natural Resource Trustee for Deepwater Horizon (1200 TN 620)

1. AUTHORITY.

To serve as trustee for the Deepwater Horizon Oil Spill pursuant to Executive Order 13266, represent the EPA on the Deepwater Horizon Oil Spill Natural Resource Damage Trustee Council and make decisions regarding natural-resource damage assessment and restoration in connection with injury to, destruction of, loss of or loss of use of natural resources, including their supporting ecosystems, resulting from the Deepwater Horizon Oil Spill in accordance with Section 1006 of the Oil Pollution Act of 1990, Clean Water Act, National Oil and Hazardous Substances Pollution Contingency Plan and all applicable laws, executive orders, regulations and memoranda of understanding.

2. TO WHOM DELEGATED.

The authority is delegated to the assistant administrator for the Office of Water.

3. LIMITATIONS.

The assistant administrator for the Office of Water will coordinate with the Region 4 administrator and Region 6 administrator, as applicable, when exercising this authority.

4. REDELEGATION.

a. The authority may be redelegated to the deputy assistant administrator of the Office of Water, the director of the Office of Wetlands, Oceans and Watersheds and the deputy director of the Office of Wetlands, Oceans and Watersheds and no further.

b. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such re delegation at any time.

5. ADDITIONAL REFERENCES.

- a. Executive Order 13626, "Gulf Coast Ecosystem Restoration"
- b. Executive Order 12777, "Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as Amended, and the Oil Pollution Act of 1990"
- c. Clean Water Act, Section 311
- d. Oil Pollution Act of 1990, Section 1006
- e. 40 CFR 300, Subpart G, "Trustees for Natural Resources"
- f. 15 CFR 990, Subpart E, "Oil Pollution Act Regulations"



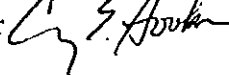
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 18 2013

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

MEMORANDUM

SUBJECT: Request for Delegation of Authority 29-2 to the Assistant Administrator
for Office of Water to Serve as Trustee for the Deepwater Horizon Oil Spill
ACTION MEMORANDUM

FROM: Craig E. Hooks, Assistant Administrator 

TO: Bob Perciasepe
Acting Administrator

Issue:

The Office of Water requests the establishment of Delegation of Authority 29-2 to the assistant administrator for OW to serve as trustee for the Deepwater Horizon Oil Spill, to represent the U.S. Environmental Protection Agency on the DWH Oil Spill Natural Resource Damage Trustee Council. The OW AA will make decisions regarding natural resource damage assessment and restoration in connection with injury to, destruction of, loss of, or loss of use of natural resources resulting from the spill. This delegation will operate simultaneously with the temporary delegation of authority to Kenneth J. Kopocis to serve as the designated natural resource trustee official for the DWH Oil Spill dated December 21, 2012.

Background:

Executive Order 13626 dated September 10, 2012, designated the EPA as an additional trustee for the DWH Oil Spill Natural Resource Damage assessment and restoration efforts in connection with injury to, destruction of, or loss of, or loss of use of natural resources, including their supporting ecosystems, resulting from the DWH Oil Spill. This delegation of authority authorizes the OW AA to serve as trustee for the DWH Oil Spill, to represent the agency on the Trustee Council and make decisions regarding natural resource damage assessment and restoration. The OW AA will coordinate with the regional administrators for Regions 4 and 6 as appropriate when exercising this authority.

The authority may be redelegated to the deputy assistant administrator, OW; director, Office of Wetlands, Oceans and Watersheds; deputy director, OWOW; and no further.

Review and Analysis:

These delegations of authority are necessary and appropriate because OW and regional staffs have the specialized knowledge, expertise and program requirements to carry out the stated purpose of this

program. Approval of this new delegation of authority will increase the efficiency with which such decisions are made.

The Office of Human Resources circulated the proposed directive for agencywide clearance review between January 30, 2013, and February 2, 2013. During the comment period, OHR received responses from seven program offices and two regions:

- Office of the Administrator,
- Office of Air and Radiation,
- Office of Enforcement and Compliance Assurance,
- Office of Environmental Information,
- Office of International and Tribal Affairs,
- Office of Research and Development,
- Office of Solid Waste and Emergency Response,
- Region 7 and
- Region 8.

No comments were received. The Office of General Counsel concurred with this request.

This authority may be exercised by any person in the chain of command down to the person to whom it has been delegated. The delegation of this authority does not divest anyone in the chain of command through the delegatee from the power to exercise this authority.

Recommendation:

I recommend approval of the attached Delegation of Authority 29-2 to the assistant administrator for the Office of Water to Serve as Trustee for the Deepwater Horizon Oil Spill.

Attachment

27-5. Information Collection from States Under Assistance for Radon Programs

1200 TN 217

12/22/89

Administrative Update 11/09/2016

1. **AUTHORITY.** To request and receive from the State information, data, and reports necessary to make a determination of continuing State eligibility for assistance pursuant to Section 306 of Title III (Indoor Radon Abatement) of the Toxic Substances Control Act.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Air and Radiation.
3. **LIMITATIONS.** None
4. **REDELEGATION.**
 - a. Regional Administrators may redelegate this authority to the Division Director level.
 - b. The Assistant Administrator for Air and Radiation may redelegate this authority to the Director, Office of Radiation and Indoor Air.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES**
 - a. Agency grant regulations, 40 CFR Parts 29, 31, 32.
 - b. Section 306 of Title III of the Toxic Substances Control Act, Indoor Radon Abatement, 15 U.S.C. 2666.

27-4. Indian Radon Pilot Projects

1200 TN 217

12/22/89

Administrative Update 11/09/2016

1. **AUTHORITY.** To approve grants and cooperative agreements to the governing bodies of Federally-recognized Indian tribes, including Alaska Native Villages, and to inter-tribal Indian organizations, for development of radon pilot projects pursuant to Section 10(a) of the Toxic Substances Control Act.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Air and Radiation.
3. **REDELEGATION AUTHORITY.**
 - a. Regional Administrators may redelegate this authority to the Division Director level.
 - b. The Assistant Administrator for Air and Radiation may redelegate this authority to the Director, Office of Radiation and Indoor Air.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
4. **ADDITIONAL REFERENCES.**
 - a. Agency grant regulations, 40 CFR Parts 30, 31, 32, 33.
 - b. Authority to execute assistance agreements is delegated to Regional Administrators and to the Grants Administration Division in Delegation 1-14, "Assistance Agreements".
 - c. Section 306 of Title III of Toxic Substances Control Act, Indoor Radon Abatement, 15 U.S.C. 2666.

7-3. Grants Assistance to States for Radon Programs

1200 TN 217

12/22/89

Administrative Update 11/09/2016

1. **AUTHORITY.** To approve grants and cooperative agreements to States for the purpose of development and implementation of programs for the assessment and mitigation of radon pursuant to Section 306 of Title III (Indoor Radon Abatement) of the Toxic Substances Control Act.
2. **TO WHOM DELEGATED.** Regional Administrators and the Assistant Administrator for Air and Radiation.
3. **REDELEGATION.**
 - a. Regional Administrators may redelegate this authority to the Division Director level.
 - b. The Assistant Administrator for Air and Radiation may redelegate this authority to the Director, Office of Radiation and Indoor Air.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
4. **ADDITIONAL REFERENCES.**
 - a. Agency grant regulations, 40 CFR Parts 29, 31, 32.
 - b. Authority to execute assistance agreements is delegated to Regional Administrators and to the Grants Administration Division in Delegation 1-14, "Assistance Agreements".
 - c. Section 306 of Title III of the Toxic Substance Control Act, Indoor Radon Abatement, 15 U.S.C. 2666.

27-2. Radon in Buildings Study

1200 TN 210

9/22/89

Administrative Update 11/9/2016

1. **AUTHORITY.** Pursuant to Section 309 of Title III (Indoor Radon Abatement) of the Toxic Substances Control Act:
 - a. To specify design criteria for studies conducted by departments or agencies that own a Federal building to determine the extent of radon contamination in such buildings, and
 - b. To approve radon study designs submitted by the heads of departments or agencies.
2. **TO WHOM DELEGATED.** Assistant Administrator for Air and Radiation.
3. **LIMITATIONS.** None
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Deputy Assistant Administrator level. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 309 of Title III of the Toxic Substances Control Act, 15 U.S.C. 2661-2669.

27-1. Regional Radon Training Centers

1200 TN 386

1/6/95

Administrative Update 11/9/2016

1. **AUTHORITY.** Pursuant to section 308 of title III (Indoor Radon Abatement Act) of the Toxic Substances Control Act, 15 U.S.C. 2668:
 - a. to approve grants and cooperative agreements to colleges, universities, institutions of higher learning, or consortia of such institutions for the purpose of establishing and operating a Regional Radon Training Center; and
 - b. to determine that the recipient of such a grant or cooperative agreement satisfactorily implemented activities funded in the preceding fiscal year, before approving funds for a subsequent fiscal year.
2. **TO WHOM DELEGATED.** Assistant administrator for Air and Radiation and regional administrators.
3. **LIMITATIONS.** None
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level at Headquarters and the branch chief level in the regions and may not be redelegated further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Delegation 1-14 gives the authority to execute (sign) grants and cooperative agreements to the director, Grants Administration Division, with further redelegation authorized to the branch chief level, and to Regional Administrators, with further redelegation authorized to the Division Director level, for grants and cooperative agreements where approval authority has been delegated to the Region.
 - b. Federal Grant and Cooperative Agreement Act of 1977, P.L. 95-224, as amended (31 U.S.C. 6301 et seq.)
 - c. EPA Order 5700.1, "Policy for Distinguishing Between Assistance and Acquisition", March 22, 1994.
 - d. 40 CFR Part 30.

25-2. Sale and Use of Existing Stocks

1200 TN 185

07/20/2016

1. **AUTHORITY.** To determine allowable periods for the continued sale, delivery, purchase, receipt and application of existing stocks of any antifouling paint containing organotin, pursuant to Section 12(d)(1) and (2) of the Organotin Antifouling Paint Control Act of 1988.
2. **TO WHOM DELEGATED.** The Assistant administrator for the Office of Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the deputy assistant administrator and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to who it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 24-2, Review and Adequacy Determination of Environmental Impact Assessment Documents for Nongovernmental Activities in Antarctica

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

24-2. Review and Adequacy Determination of Environmental Impact Assessment Documents for Nongovernmental Activities in Antarctica

1. **AUTHORITY.** To review, comment and determine the adequacy of environmental impact assessment documentation submitted by nongovernmental operators proposing activities in Antarctica, pursuant to the Antarctic Science, Tourism, and Conservation Act, its implementing regulations, and the Antarctic Treaty Committee on Environmental Protection protocol.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. The authority may be redelegated to the division-director level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 16 USC 2401 et. seq.
 - b. 40 CFR Part 8.

24-1 Reduction and Extension of the Minimum Environmental Impact Statement Review Periods

(1200 TN 350 24-1)

Approved 5/11/94

Administrative Update 01/31/2017

1. **AUTHORITY.** To approve or deny requests for the reduction or extension of the prescribed environmental impact statement review periods pursuant to 40 CFR 1506.10 (d), the CEQ Regulations implementing NEPA.
2. **TO WHOM DELEGATED.** Assistant administrator for Enforcement and Compliance Assurance.
3. **LIMITATIONS.** None
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the director, Office of Federal Activities, and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **REFERENCES.** 40 CFR 1506.10(d)



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 23-3 Approval of Asbestos Training Courses and State Accreditation Programs

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Regional Administrators

**23-3 Approval of Asbestos Training Courses and State Accreditation Programs
(1200 TN 365)**

1. **AUTHORITY.** Pursuant to TSCA section 206, to:
 - a. Grant full approval to initial and refresher training courses that have a prior contingent approval from the EPA or approval from a state program for purposes of accreditation under TSCA section 206 (15 U.S.C. 2646) and to suspend, revoke or withdraw any of these approvals for a failure to comply;
 - b. grant partial and full approval of state asbestos accreditation programs that comply with TSCA section 206 and to suspend, revoke or withdraw any such approval for a failure to comply; and
 - c. suspend or revoke the accreditation of any person who has obtained accreditation from an approved training provider or from a state accreditation program that complies with TSCA section 206, where such person is in violation of Unit I.G. of 40 CFR part 763, appendix C to subpart E.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Chemical Safety and Pollution Prevention and the regional administrators may exercise authorities 1(a)-1(c) described in paragraph 1 above. The Office of Enforcement and Compliance Assurance assistant administrator may exercise the authorities described in 1(a) and 1(c).

3. **LIMITATIONS.** In exercising authority 1(a) and 1(c), the assistant administrator for OECA shall consult with the affected regions.
4. **REDELEGATION AUTHORITY.** Each of these three authorities may be redelegated to the branch chief level, or equivalent, and may not be redelegated further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Section 206 of the Asbestos Hazard Emergency Response Act.
 - b. Section 15 of the Asbestos School Hazard Abatement Reauthorization Act.
 - c. The Asbestos Model Accreditation Plan (40 CFR Part 763, Appendix C to subpart E).



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB 10 2017

MEMORANDUM

SUBJECT: Delegation of Authority 22-9, Amending Emergency Planning and Community Right-to-Know Act Regulations

FROM: E. Scott Pruitt
Administrator

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", written over the printed name of the Administrator.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

22-9, Amending EPCRA Regulations (1200 TN 655)

1. **AUTHORITY.** The functions and responsibilities associated with initiating rulemaking to amend the regulations issued under Section 328 of the Emergency Planning and Community Right-to-Know Act that are found in Title 40 of the Code of Federal Regulations Part 372. This includes issuance of the regulatory action, as well as the authority to issue non-regulatory actions that provide guidance and clarifications related to those regulatory requirements, the forms and instructions.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** This authority is limited to actions that have concurrences from the Office of the General Counsel and the Office of Policy, and, if applicable, offices outside of OCSP that have chosen to participate in the development of the action. If OCSP is unable to resolve issues raised, signature authority will revert to the Administrator or the Deputy Administrator.
4. **REDELEGATION AUTHORITY.** This authority may not be redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. EPCRA, Sections 313 and 328.
 - b. 40 CFR Part 372.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

MEMORANDUM

SUBJECT: Delegation of Authority 22-8, Settlement or Concurrence in Settlement of Civil Judicial Actions

FROM:

Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the printed name.

TO:

Assistant Administrator

Office of Enforcement and Compliance Assurance

22-8. Settlement or Concurrence in Settlement of Civil Judicial Actions (1200 TN 647)

1. AUTHORITY.

- a. To exercise the U.S. Environmental Protection Agency's concurrence in the settlement of civil judicial actions under the Emergency Planning and Community Right-to-Know Act.
- b. To request the attorney general to amend a consent decree issued under EPCRA.

2. TO WHOM DELEGATED. The assistant administrator for the Office of Enforcement and Compliance Assurance.

3. LIMITATIONS. Except for headquarters-initiated cases, the assistant administrator for OECA must obtain the concurrence of the appropriate regional administrator before exercising this authority.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the OECA division director level or equivalent and to the regional counsel or equivalent and no further, except that these authorities with regard to multiregional bankruptcy settlements and multiregional insurance receivership settlements may be redelegated only within OECA.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. None.



Delegation of Authority

22-7. Trade Secrets

1200 TN 496 22-7

01/28/2000

Administrative Update 02/07/2016

1. **AUTHORITY.** Pursuant to section 322 of the Emergency Planning and Community Right-to-Know-Act (EPCRA):
 - a. To receive trade secret information under section 322(a) of EPCRA;
 - b. To accept petitions for disclosure of trade secret information and to make initial determinations regarding sufficiency of substantiations and regarding trade secrecy under section 322(d); and
 - c. To handle appeals under the petition process for disclosure of trade secret information.
2. **TO WHOM DELEGATED.**
 - a. The authority in paragraphs 1.a and 1.b is delegated to the Assistant Administrator for Land and Emergency Management with regard to sections 303, 311, and 312 of EPCRA.
 - b. The authority in paragraphs 1.a and 1.b is delegated to the Assistant Administrator for Chemical Safety and Pollution Prevention with regard to section 313 of EPCRA.
 - c. The authority in paragraph 1.c is delegated to the General Counsel.
3. **LIMITATIONS.** The Assistant Administrator for Chemical Safety and Pollution Prevention, the Assistant Administrator for Land and Emergency Management and the General Counsel will consult with Regional Administrators or their designees when exercising the above authority, as needed on a site-specific basis.
4. **REDELEGATION AUTHORITY.**
 - a. The Assistant Administrator for Chemical Safety and Pollution Prevention may redelegate this authority to the Office Director level, or equivalent.
 - b. The Assistant Administrator for Land and Emergency Management may redelegate this authority to the Director of the Office of Emergency Management.
 - c. The General Counsel may redelegate this authority to the Division Director level, or equivalent.
 - d. The authorities redelegated above may not be redelegated further.
 - e. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** Section 322 of EPCRA.
6. **DEFINITIONS.** For the purposes of this delegation, the word "receive" means "receipt for the purposes of establishing an official agency depository for EPCRA section 313 submissions." An official depository is necessary for EPA to meet its statutory duties to establish and maintain a national toxic chemical inventory, and to make effective the submitter's right to withhold information under EPCRA section 322(a)(1)(A).



Delegation of Authority

22-6. Receipt of Toxic Chemical Release Forms and National Toxic Chemical Inventory

1200 TN 496 22-6

01/28/2000

Administrative Update 02/07/2016

1. **AUTHORITY.** Pursuant to section 313 of the Emergency Planning and Community Right- to-Know-Act (EPCRA):
 - a. To receive toxic chemical release forms submitted by the owners or operators of facilities pursuant to section 313(a);
 - b. To establish and maintain in a computer database pursuant to section 313(j), information submitted under section 313(a), for the purpose of maintaining a national toxic chemical inventory;
 - c. To make these data accessible by computer telecommunications and other means to any person on a cost-reimbursable basis; and
 - d. To establish policies regarding fees and to waive fees in the public interest.
2. **TO WHOM DELEGATED.** Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** None.
4. **REDELEGATION AUTHORITY.**
 - a. Authorities delegated in 1.a, 1.b, 1.c, and the authority to waive fees in 1.d may be redelegated to the office director with further redelegation to the branch chief level, or equivalent, and may not be redelegated further.
 - b. The authority in 1.d to establish policies on waiving of fees may be redelegated to the office director and further redelegated to the division director level, or equivalent, and may not be redelegated further.
 - c. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. EPCRA, Section 313.
 - b. Waiver of fees must be done in accordance with established policies.
 - c. **DEFINITIONS.** For the purposes of this delegation, the words "receipt" and "receive" mean "receipt for the purposes of establishing an official agency depository for EPCRA section 313 submissions." An official depository is necessary for EPA to meet its statutory duties to establish and maintain a national toxic chemical inventory, and to make effective the submitter's right to withhold information under EPCRA section 322(a)(1)(A).



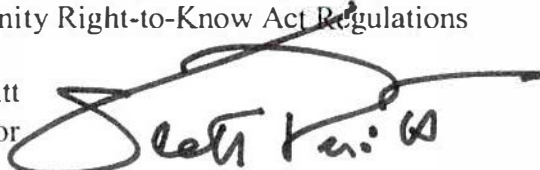
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 16 2017

MEMORANDUM

SUBJECT: Delegation of Authority 22-5, Responding to Petitions to Amend Emergency Planning and Community Right-to-Know Act Regulations

FROM: E. Scott Pruitt
Administrator 

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

22-5. Responding to Petitions to Amend EPCRA Regulations (1200 TN 496 22-5)

1. **AUTHORITY.** The functions and responsibilities associated with petitions under Sections 313 and 328 of the Emergency Planning and Community Right-to-Know Act and the Administrative Procedure Act. This includes the authority to receive the following petitions, to respond to the petitions, to publish an explanation of why any such petition is granted or denied, in whole or in part and, when appropriate, to conduct rulemaking to implement the response:
 - a. Petitions under EPCRA Section 313 (c) to modify the list of chemicals individually or categorically, including governor petitions under EPCRA Section 313 (e)(2);
 - b. Petitions under EPCRA Section 313 (f)(2) to establish a reporting threshold for a chemical that differs from the standard thresholds found in EPCRA Section 313 (f)(1) and
 - c. Petitions under EPCRA Section 328 and APA Section 553 (e) to amend U.S. Environmental Protection Agency's implementing regulations in Title 40 of the Code of Federal Regulations Part 372, including petitions to modify the list of facilities subject to reporting under EPCRA and other requirements imposed in 40 CFR Part 372.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.**
 - a. The response letter to petitions filed by a state governor under EPCRA Section 313(e)(2) that explains why their petition is denied, in whole or in part, must be signed by the Administrator.
 - b. For rulemakings conducted to implement a response to a petition under this delegation, this authority is limited to actions that have concurrences from the Office of the General Counsel and the Office of Policy, and, if applicable, offices outside of OCSP that have chosen to

participate in the development of the action. If OCSPP is unable to resolve issues raised, signature authority will revert to the Administrator or the Deputy Administrator.

4. **REDELEGATION AUTHORITY.** For purposes of denying petitions, this authority may be redelegated to the office director level, or equivalent, and may not be redelegated further. However, denial of petitions filed by a state governor under EPCRA Section 313(e)(2) may not be redelegated. Responses other than denials may not be redelegated. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. EPCRA, Sections 313 and 328.
- b. APA, 5 U.S.C. 553(e).
- c. 40 CFR Part 372.

22-5

Delegation of Authority

22-4. Provisions for Emergency Planning, Emergency Release Notification, and Informing the Public about Chemical Hazards in their Community under EPCRA

1200 TN 571

06/01/2005

Administrative Update 12/15/2015

1. **AUTHORITY.** Pursuant to Sections 302 through 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), the authority to provide program direction, guidance and support, issue general notices, as well as the following specific authorities:
 - a. Review and respond to petitions to revise the list of extremely hazardous substances (EHSs) and their threshold planning quantities under Section 302 (a);
 - b. Receive notifications from State Emergency Response Commissions (SERC) of facilities subject to the requirements under Section 302(d);
 - c. Review and respond to petitions to revise the reportable quantities of EHSs under Section 304(a); and
 - d. Review and respond to petitions to revise threshold quantities under Sections 311(b) and 312(b).
2. **TO WHOM DELEGATED.**
 - a. The above authorities are delegated to the Assistant Administrator, Office of Land and Emergency Management (OLEM) and
 - b. Authority 1.b. is also delegated to Regional Administrators.
3. **LIMITATIONS.** Actions requiring rulemaking remain under the Administrator's authority.
4. **REDELEGATION AUTHORITY.**
 - a. The authorities delegated to the Assistant Administrator for OLEM may be redelegated to the Office Director level, or equivalent, and may not be redelegated further.
 - b. The authority delegated to Regional Administrators may be redelegated to the Division Director level, or equivalent, and may not be redelegated further.
 - c. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.**
 - a. EPCRA Sections 302 to 312
 - b. 40 CFR Part 355, 370

Delegation of Authority

1200 TN 350 22-3B

5/11/94

22-3B. Administrative Enforcement: Agency Representation in Hearing and Negotiations

1. **AUTHORITY.** To represent EPA in civil administrative penalty adjudications conducted under the Emergency Planning and Community Right-to-Know-Act (EPCRA); to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; to initiate appeals from such administrative determinations, and represent the Agency in such appeals.
2. **TO WHOM DELEGATED.** Assistant Administrator for Enforcement and Compliance Assurance and Regional Administrators.
3. **LIMITATIONS.**
 - a. The person representing EPA in the proceeding must be an Office of Enforcement and Compliance Assurance or Office of Regional Counsel attorney.
 - b. The Assistant Administrator for Enforcement and Compliance Assurance must consult with the Regional Administrator or designee and notify the Assistant Administrator for Chemical Safety and Pollution Prevention, or designee, prior to initiating an appeal.
 - c. The Regional Administrator must consult with the Regional Counsel and the Assistant Administrator for Enforcement and Compliance Assurance, or designee, prior to deciding whether to appeal an adverse administrative decision.
4. **REDELEGATION AUTHORITY.**
 - a. The Assistant Administrator for Enforcement and Compliance Assurance may redelegate this authority to the Division Director level; the authority to represent EPA in the proceeding may be further redelegated to staff attorneys in assigned cases.
 - b. The Regional Administrators may redelegate this authority to their respective Regional Counsels or the Division Director level.
 - c. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority, and an official who redelegates authority may revoke such redelegation at any time.
5. **ADDITIONAL REFERENCES.** EPCRA, Section 325.

Delegation of Authority

22-3A. Administrative Enforcement Actions

1200 TN 350

5/11/94

Administrative Update 12/15/2015

1. **AUTHORITY.** To take any administrative enforcement action under the Emergency Planning and Community Right-to- Know-Act (EPCRA) including, but not limited to: delegating representatives of the Administrator to conduct inspections, and issuing compliance orders, complaints or other notices, and subpoenas.
2. **TO WHOM DELEGATED.** Assistant Administrator for Land and Emergency Management, Assistant Administrator for Enforcement and Compliance Assurance and Regional Administrators.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for Enforcement and Compliance Assurance may exercise this authority, and must notify the appropriate Regional Administrator and the Assistant Administrator for Chemical Safety and Pollution Prevention or designee when exercising this authority.
 - b. Regional Administrators must consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee, before exercising this authority, unless such consultation is waived by memorandum. The Regional Administrators must also consult with the Regional Counsel or designee before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. The Assistant Administrator for Enforcement and Compliance Assurance may redelegate this authority to the Division Director level. Regional Administrators may redelegate this authority to the Branch Chief level.
 - b. An official who redelegates this authority does not divest himself of the power to exercise this authority, and an official who redelegates authority may revoke such re delegation at any time.
5. **ADDITIONAL REFERENCES.** EPCRA, Section 325.

22-3A. Administrative Enforcement Actions

1200 TN 350
07/20/2016

1. **AUTHORITY.** To take any administrative enforcement action under the Emergency Planning and Community Right-to- Know-Act (EPCRA) including, but not limited to: delegating representatives of the Administrator to conduct inspections, and issuing compliance orders, complaints or other notices, and subpoenas.
2. **TO WHOM DELEGATED.** Assistant administrator for Land and Emergency Management, assistant administrator for Enforcement and Compliance Assurance and regional administrators.
3. **LIMITATIONS.**
 - a. The assistant administrator for Enforcement and Compliance Assurance may exercise this authority, and must notify the appropriate regional administrator and the assistant administrator for Chemical Safety and Pollution Prevention or designee when exercising this authority.
 - b. Regional administrators must consult with the assistant administrator for Enforcement and Compliance Assurance or designee, before exercising this authority, unless such consultation is waived by memorandum. The regional administrators must also consult with the regional counsel or designee before exercising this authority.
4. **REDELEGATION AUTHORITY.**
 - a. The assistant administrator for Enforcement and Compliance Assurance may redelegate this authority to the deputy assistant administrator and division director level. Regional administrators may redelegate this authority to the branch chief level.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** EPCRA, Section 325.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN - 9 2014

MEMORANDUM

SUBJECT: Delegation of Authority 21-5, Enforcement of the Act to Prevent Pollution from Ships – Inspection and Information Gathering

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: Cynthia Giles, Assistant Administrator
Office of Enforcement and Compliance Assurance

Regional Administrators

I hereby delegate to the assistant administrator for the Office of Enforcement and Compliance Assurance the authority to establish delegations for enforcement, issuing civil penalties, inspection and information gathering under the Act to Prevent Pollution from Ships to investigate, initiate and settle administrative, civil and criminal judicial actions pursuant to the APPS.

21-5 Enforcement of the Act to Prevent Pollution from Ships – Inspection and Information Gathering (1200 TN 626)

1. AUTHORITY.

- a. To conduct inspections and issue subpoenas to require the attendance of any witness and the production of documents and other evidence and to receive information to investigate violations that are referred by the secretary of the department in which the Coast Guard is operating or violations of Regulations 17 and 18 of Annex VI of the International Convention for the Prevention of Pollution from Ships and to request that the Attorney General invoke the aid of a U.S. District Court to compel compliance.
- b. To designate representatives of the Administrator to perform the functions contained in paragraph 1.a.

2. TO WHOM DELEGATED.

- a. The assistant administrator for the Office of Enforcement and Compliance Assurance.
- b. The regional administrators.

- 3. LIMITATIONS.** Applies only to vessels and persons included under 33 U.S.C. § 1902, to violations referred by the secretary of the department in which the Coast Guard is operating, and to enforcement of regulations 17 and 18 of Annex VI to MARPOL.

4. REDELEGATION AUTHORITY. The authority to request that the attorney general invoke the aid of a district court may be redelegated to the office-director level. The authority to conduct inspections and issue subpoenas to require the attendance of any witness and the production of documents and other evidence and to receive information to represent the agency at hearings may be delegated to the division-director level. The authority may be further redelegated to staff attorneys in assigned cases. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority. An official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. 33 U.S.C. §§ 1902 and 1907; 40 C.F.R Part 1043.
- b. MARPOL Annex VI, Regulations 11, 17 and 18.
- c. Memorandum of Understanding between United States Coast Guard and United States Environmental Protection Agency Regarding Enforcement of Annex VI as Implemented by the APPS, June 27, 2011.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN - 9 2014

MEMORANDUM

SUBJECT: Delegation of Authority 21-4, Enforcement under the Act to Prevent Pollution from Ships – Abatement and Collection of Civil Penalties

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: Cynthia Giles, Assistant Administrator
Office of Enforcement and Compliance Assurance

I hereby delegate to the assistant administrator for the Office of Enforcement and Compliance Assurance the authority to establish delegations for enforcement, issuing civil penalties, inspection and information gathering under the Act to Prevent Pollution from Ships to investigate, initiate and settle administrative, civil and criminal judicial actions pursuant to the APPS.

21-4 Enforcement under the Act to Prevent Pollution from Ships – Abatement and Collection of Civil Penalties (1200 TN 626)

1. **AUTHORITY.** To compromise, modify and remit, with or without conditions, any civil penalty subject to assessment or which has been assessed; to refer to the Attorney General for collection of civil penalties that have become final and to seek *in rem* collection of any assessed penalty; and to request the attorney general to initiate an appeal and represent the U.S. Environmental Protection Agency in such an appeal.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance and General Counsel.
3. **LIMITATIONS.**
 - a. Applies only to included vessels and persons under 33 U.S.C. § 1902, to violations referred by the secretary of the department in which the Coast Guard is operating and to violations of the International Convention for the Prevention of Pollution from Ships Annex VI, Regulations 17 and 18.
 - b. Referral for action to a foreign country, in coordination with the Secretary of State under 33 U.S.C. § 1908(f), is permitted only for ships registered to or operated under authority of a party to MARPOL Annex VI.
 - c. The general counsel may exercise this authority only in regard to appeals.
 - d. Any exercise of the appeal authority will be completed jointly by the general counsel and the assistant administrator for the Office of Enforcement and Compliance Assurance. Either office may waive authority to participate by memorandum.

4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the division-director level. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority. An official who redelegates authority may revoke such redelegation at any time.

5. **ADDITIONAL REFERENCES.**

- a. 33 U.S.C. §§ 1902, 1903, 1907, 1908 and 1908.
- b. MARPOL Annex VI, Regulations 17 and 18; 40 C.F.R. Part 1043.
- c. Memorandum of Understanding between United States Coast Guard and United States Environmental Protection Agency Regarding Enforcement of Annex VI as Implemented by the APPS, June 27, 2011.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN - 9 2014

MEMORANDUM

SUBJECT: Delegation of Authority 21-3, Enforcement under the Act to Prevent Pollution from Ships – Findings of Violation and Assessment of Civil Penalties

FROM: Gina McCarthy

TO: Cynthia Giles, Assistant Administrator
Office of Enforcement and Compliance Assurance

I hereby delegate to the assistant administrator for the Office of Enforcement and Compliance Assurance the authority to establish delegations for enforcement, issuing civil penalties, inspection and information gathering under the Act to Prevent Pollution from Ships to investigate, initiate and settle administrative, civil and criminal judicial actions pursuant to the APPS.

21-3 Enforcement under the Act to Prevent Pollution from Ships – Findings of Violation and Assessment of Civil Penalties (1200 TN 626)

1. **AUTHORITY.** To make findings and issue notices of violation of Annex VI of the International Convention for the Prevention of Pollution from Ships, the Act to Prevent Pollution From Ships and regulations thereunder; to assess a penalty for violations; to represent the U.S. Environmental Protection Agency at hearings; to refer for appropriate action to a foreign country in coordination with the Secretary of State; to take action required by MARPOL; and other appropriate action and to pay not more than one half of the penalties to the person giving information leading to the assessment of such penalties.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Enforcement and Compliance Assurance.
3. **LIMITATIONS.**
 - a. Applies only to vessels and persons included under 33 U.S.C. § 1902, to violations referred by the secretary of the department in which the Coast Guard is operating and to enforcement of Regulations 17 and 18 of Annex VI to MARPOL.
 - b. Findings of violations and assessments of penalties are made only after notice and opportunity for a hearing and assessed only by written notice.
 - c. Referral for action to a foreign country, in coordination with the Secretary of State pursuant to 33 U.S.C. § 1908(f), is permitted only for ships registered to or operated under authority of a party to MARPOL Annex VI.

4. REDELEGATION AUTHORITY. This authority may be redelegated to the division-director level. Authority to represent the agency at hearings may be further redelegated to staff attorneys in assigned cases. An officer or employee who redelegates authority does not divest herself or himself of the power to exercise that authority. An official who redelegates authority may revoke such redelegation at any time.

5. ADDITIONAL REFERENCES.

- a. 33 U.S.C. §§ 1902, 1903, 1907(f), and 1908.
- b. MARPOL Annex VI, Regulations 17 and 18; 40 C.F.R. Part 1043.
- c. Memorandum of Understanding between the U.S. Coast Guard and the U.S. Environmental Protection Agency Regarding Enforcement of Annex VI as Implemented by the APPS.

SAFE DRINKING WATER ACT

9-71. Designation of Individuals Having Access to Vulnerability Assessments

1. AUTHORITY. To designate individuals having access to Vulnerability Assessments submitted by community water systems and information derived from the Vulnerability Assessments pursuant to Section 1433(a)(5)(B) of the Safe Drinking Water Act.
2. TO WHOM DELEGATED. Assistant Administrator for the Office of Water.
3. LIMITATIONS. None.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Deputy Assistant Administrator for the Office of Water and no further.
5. ADDITIONAL REFERENCES. *Protocol to Secure Vulnerability Assessments Submitted by Community Water Systems To EPA* (Information Protection Protocol), November 26, 2002.

CLEAN AIR ACT OF 1990

7-64. Authority to Review and Revise Emission Factors and Issue Reports

1. AUTHORITY. To review and revise air pollutant emission factors and issue reports pursuant to the Clean Air Act, Section 130 (referenced as Section 804 in the Clean Air Act Amendments of 1990).
2. TO WHOM DELEGATED. Assistant Administrator for Air and Radiation.
3. LIMITATIONS. None.
4. REDELEGATION AUTHORITY. This authority may be redelegated to the Branch Chief level, or equivalent, and no further.
5. ADDITIONAL REFERENCES. Compilation of Air Pollutant Emission Factors, AP-42.

CLEAN WATER ACT

2-104. Coastal Recreation Water Quality Monitoring and Notification and Criteria Publication and Revision

1. AUTHORITY. To conduct activities under Sections 304(a)(9) and 406 of the Federal Water Pollution Control Act (CWA), as amended by the Beaches Environmental Assessment and Coastal Health (BEACH) Act, and BEACH Act Section 7, including, but not limited to:
 - a. publishing new or revised water quality criteria for pathogens and pathogen indicators in accordance with CWA section 304(a)(9);
 - b. publishing performance criteria for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public in accordance with CWA section 406(a);
 - c. approving grants to States, territories, local governments and Tribes to develop and implement monitoring and notification programs in accordance with CWA section 406(b).
 - d. in consultation with state, tribal, and local governments, determining the non-federal share of grants awarded to states, tribes, and local governments under section 406(b), in accordance with CWA section 406(b)(4)(B);
 - e. establishing, maintaining, and making available a national coastal recreation water database in accordance with CWA section 406(e);
 - f. identifying, maintaining, making available to the public, and publishing in the *Federal Register* a list of discrete coastal recreation waters adjacent to beaches and updating the list periodically as new information becomes available in accordance with CWA section 406(g);
 - g. conducting a monitoring and notification program in accordance with CWA section 406(h); and
 - h. submitting a report to Congress in accordance with section 7 of the BEACH Act.

2. TO WHOM DELEGATED. Assistant Administrator for Water and Regional Administrators.
3. LIMITATIONS.
 - a. The authorities in 1a., 1b., 1d. - 1f., 1h. and any other authorities in Sections 304(a)(9) and 406 not specifically identified in paragraphs 1a. - 1h. of this delegation are limited to the Assistant Administrator for Water.
 - b. Regional Administrators must provide to the Assistant Administrator for Water copies of all grants approved under this authority concurrent with grant award.
4. REDELEGATION AUTHORITY.
 - a. The authorities in 1a., 1b. and 1d. - 1f. may be redelegated to the Director, Office of Science and Technology.
 - b. The authorities in 1c. and 1g. may be redelegated to the appropriate Division Director level, or equivalent, and may not be redelegated further.
5. ADDITIONAL REFERENCES.
 - a. 40 CFR Chapter 1, Subchapter B, "Grants and Other Federal Assistance"
 - b. EPA Order 5700.1, *Policy for Distinguishing Between Assistance and Acquisition*
 - c. EPA Delegation 1-14, *Assistance Agreements*
 - d. Guidance on BEACH Act grants published in the *Federal Register*.

CLEAN WATER ACT

2-104. Coastal Recreation Water Quality Monitoring and Notification

1. AUTHORITY. To conduct activities under Sections 406 (a) and (b) of the Federal Water Pollution Control Act, as amended by the Beaches Environmental Assessment and Coastal Health (BEACH) Act, including, but not limited to: 1) publishing performance criteria for monitoring and notification programs for coastal recreation waters adjacent to beaches or similar points of access that are used by the public and; 2) awarding grants to States, territories, local governments and Tribes to develop and implement monitoring and notification programs.
2. TO WHOM DELEGATED. Assistant Administrator for Water and Regional Administrators.
3. LIMITATIONS.
 - a. The authority to publish performance criteria for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public is limited to the Assistant Administrator for Water.
 - b. Regional Administrators must provide to the Assistant Administrator for Water copies of all grants awarded under this authority concurrent with the grant award.
4. REDELEGATION AUTHORITY.
 - a. The authority delegated to the Assistant Administrator for Water to publish performance criteria for monitoring and notification may be redelegated to the Director, Office of Science and Technology, and may not be redelegated further.
 - b. The authority delegated to the Regional Administrators to award grants to States, territories, local governments and Tribes may be redelegated to the appropriate Division Director level, or equivalent, and may not be redelegated further.
5. ADDITIONAL REFERENCES.
 - a. 40 CFR Chapter 1, Subchapter B, "Grants and Other Federal Assistance"
 - b. EPA Order 5700.1, *Policy for Distinguishing Between Assistance and Acquisition*
 - c. EPA Delegation 1-14, *Assistance Agreements*
 - d. Guidance on Beach Act Grants

CLEAN WATER ACT

2-104. Coastal Recreation Water Quality Monitoring and Notification and Criteria Publication and Revision

1. AUTHORITY. To conduct activities under Sections 304(a)(9) and 406 of the Federal Water Pollution Control Act (CWA), as amended by the Beaches Environmental Assessment and Coastal Health (BEACH) Act, and BEACH Act Section 7, including, but not limited to:
 - a. publishing new or revised water quality criteria for pathogens and pathogen indicators in accordance with CWA section 304(a)(9);
 - b. publishing performance criteria for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public in accordance with CWA section 406(a);
 - c. approving grants to States, territories, local governments and Tribes to develop and implement monitoring and notification programs in accordance with CWA section 406(b).
 - d. in consultation with state, tribal, and local governments, determining the non-federal share of grants awarded to states, tribes, and local governments under section 406(b), in accordance with CWA section 406(b)(4)(B);
 - e. establishing, maintaining, and making available a national coastal recreation water database in accordance with CWA section 406(e);
 - f. identifying, maintaining, making available to the public, and publishing in the *Federal Register* a list of discrete coastal recreation waters adjacent to beaches and updating the list periodically as new information becomes available in accordance with CWA section 406(g);
 - g. conducting a monitoring and notification program in accordance with CWA section 406(h); and
 - h. submitting a report to Congress in accordance with section 7 of the BEACH Act.

2. TO WHOM DELEGATED. Assistant Administrator for Water and Regional Administrators.
3. LIMITATIONS.
 - a. The authorities in 1a., 1b., 1d. - 1f., 1h. and any other authorities in Sections 304(a)(9) and 406 not specifically identified in paragraphs 1a. - 1h. of this delegation are limited to the Assistant Administrator for Water.
 - b. Regional Administrators must provide to the Assistant Administrator for Water copies of all grants approved under this authority concurrent with grant award.
4. REDELEGATION AUTHORITY.
 - a. The authorities in 1a., 1b. and 1d. - 1f. may be redelegated to the Director, Office of Science and Technology.
 - b. The authorities in 1c. and 1g. may be redelegated to the appropriate Division Director level, or equivalent, and may not be redelegated further.
5. ADDITIONAL REFERENCES.
 - a. 40 CFR Chapter 1, Subchapter B, "Grants and Other Federal Assistance"
 - b. EPA Order 5700.1, *Policy for Distinguishing Between Assistance and Acquisition*
 - c. EPA Delegation 1-14, *Assistance Agreements*
 - d. Guidance on BEACH Act grants published in the *Federal Register*.

GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

1-100. Grants and Cooperative Agreements Related to Strengthening Intergovernmental Environmental Activities

1. AUTHORITY. To the extent authorized, approve multi-statute grants and cooperative agreements for training and other purposes related to cooperative intergovernmental activities under the following acts and sections.
 - a. Clean Water Act, Sec. 104(b)(3)
 - b. Clean Air Act, Sec. 103(b)(3)
 - c. Federal Insecticide, Fungicide, and Rodenticide Act, Sec. 20(a)
 - d. Toxic Substances Control Act, Sec. 10(a)
 - e. Marine Protection Research and Sanctuaries Act, Sec. 203(a)(2)
 - f. Solid Waste Disposal Act, Sec. 8001(a)
 - g. Safe Drinking Water Act, Sec. 1442(b)(3)
 - h. Comprehensive Environmental Response, Compensation and Liability Act, Sec. 311(c)
2. TO WHOM DELEGATED. The Associate Administrator for Congressional and Intergovernmental Relations.
3. LIMITATIONS. This authority is limited to multi-statute grants and cooperative agreements. Single-statute grants and cooperative agreements are not authorized under this delegation but may be available to this and other delegates in other statute-specific delegations.
4. REDELEGATION AUTHORITY. None.
5. ADDITIONAL REFERENCES.
 - a. 40 CFR Parts 30, 31, 40, and 45; the Assistance Administration Manual.
 - b. Delegation 1-14 gives the authority to execute (sign) grants and cooperative agreements to the Director, Grants Administration Division, with further redelegation authorized to the Branch Chief level, and to the Regional Administrators, with further redelegation authorized to the Division Director level, for grants and cooperative agreements where approval authority has been delegated to the Region.
 - c. Federal Grant and Cooperative Agreements Act of 1977, Public Law 95-224, as

amended, 31 U.S.C. Section 6301 et seq.

GENERAL, ADMINISTRATIVE AND MISCELLANEOUS

1-116. Review of and Final Decisions Regarding Administrative Law Judge (ALJ) Determinations on Civil Rights Compliance

1. AUTHORITY.
 - a. To review ALJ determinations regarding Office of Civil Rights (OCR) findings of noncompliance under Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq. (Title VI), and regulations at 40 C.F.R Part 7;
 - b. To issue decisions following review of such ALJ determinations, under Title VI and regulations at 40 C.F.R. Part 7.
2. TO WHOM DELEGATED. The Environmental Appeals Board.
3. LIMITATIONS. A final decision of the Environmental Appeals Board shall become effective on the date of issuance, unless the decision is to deny, annul, suspend or terminate EPA assistance. In that instance, the decision becomes effective 30 days from the date on which the Administrator submits a full written report of the circumstances and grounds for such action to the Committees of the House and Senate having legislative jurisdiction over the program or activity involved.
4. REDELEGATION AUTHORITY. The Environmental Appeals Board may not redelegate this authority.
5. ADDITIONAL REFERENCES. 40 C.F.R. Part 22.

GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS

1-44. Changes in Official Organizational Structure

1. AUTHORITY. To review and approve changes in the structure, geographic location, title, or reporting relationship of Agency organizations, except for the Office of the Inspector General.
2. TO WHOM DELEGATED. The Assistant Administrator for Administration and Resources Management.
3. LIMITATIONS.
 - a. Any organizational change between two or more AAships, Regions, or between an AAship and a Region, requires the concurrence of the Deputy Administrator.
 - b. Independent authority for organizational changes in the Office of the Inspector General resides in the Inspector General or his or her delegates.
 - c. Reorganizations may be approved only after appropriate Agency review is completed, as determined by OARM.
4. REDELEGATION AUTHORITY. This authority may be redelegated as follows:
 - a. Regional Administrators may approve changes for organizations at or below the Division level or equivalent within their respective Regional Offices in accordance with Agency classification, staffing, and position management guidelines. This authority may not be redelegated further.
 - b. Assistant Administrators and the Deputy Chief of Staff for the Office of the Administrator may approve changes for organizations at or below the Office level or equivalent within their respective offices in accordance with Agency classification, staffing, and position management guidelines. This authority may not be redelegated further.
5. ADDITIONAL REFERENCES. EPA Order 1110.8 A5, *EPA Reorganization Policy*.



Organization and Functions Manual

1100 E1

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Organization and Functions Manual

1100 Chg 44

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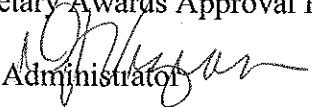
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 18 2016

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

MEMORANDUM

SUBJECT: Interim Policy Change to the Monetary Awards Approval Process

FROM: Donna J. Vizian, Acting Assistant Administrator 

TO: General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators

On November 30, 2015, the U.S. Environmental Protection Agency, Office of Inspector General, issued report #16-P-0048 on EPA monetary awards in response to a hotline complaint. In the report, OIG recommended the agency, "establish and require a proper level of management review for multiple awards that total in excess of \$5,000." The EPA accepted this recommendation. The authority to approve monetary awards at this agency is governed by EPA Delegation 1-15, *Monetary Awards*. Agency procedures for monetary awards (general monetary awards, suggestions, patents and inventions) are covered in chapters four and seven of EPA Manual 3130.A2, *Recognition Policy and Procedures Manual*.

Currently, the authority to approve monetary awards up to \$10,000 is delegated from the Administrator to:

- The Assistant Administrator of the Office of Administration and Resources Management;
- Redelegated to the Director, Office of Human Resources; and
- Further redelegated to the Assistant Administrators, General Counsel, Chief Financial Officer, Chief of Staff for the Office of the Administrator, Regional Administrators and the Inspector General.

Approval authority up to \$5,000 may be further redelegated to Associate Administrators, heads of Staff Offices in the AO and headquarters and regional Office Directors or equivalent. This authority may be further redelegated to headquarters and regional Division Directors or equivalent.

However, Delegation 1-15 does not provide any guidance to address cumulative awards, which was a concern noted in the OIG report. As a result, an individual could receive several monetary awards that

cumulatively total more than \$5,000 in a fiscal year because the individual award amounts fell below the \$5,000 threshold for higher level review.

Effective immediately, programs and regions will be required to subject all monetary awards (i.e., cumulative and/or individual) above \$5,000 in a FY to a higher level of review to improve management oversight. For offices and regions that have not redelegated the authority to approve awards of \$5,000 or more to a lower level, there may be no changes to the approval levels. For offices and regions that have redelegated the authority to a lower level, the re-delegator should withdraw any redelegations that have been made. Immediate supervisors must track all monetary awards their employees receive in a FY. If an employee's monetary awards for the FY exceeds \$5,000, the Assistant Administrator, Regional Administrator, General Counsel, Chief Financial Officer, Chief of Staff for AO or the Inspector General (or an appropriate designee such as a Deputy Assistant Administrator, Deputy Regional Administrator or the Senior Resources Official) must review and approve the action.

Therefore, a recommending official who is not the immediate supervisor of record must notify the employee's supervisor of record in writing of the intent and amount of any proposed monetary award. The supervisor of record is defined as the individual who supervises the employee in the position to which they are permanently assigned. If approving the proposed award would push the total amount received in the FY above \$5,000, then higher level review and approval by the employee's senior management official (or appropriate designee) for the program office or region of permanent assignment is required *before* the award can be processed. The supervisor of record should work with their Funds Control Officer to review the current FY award payments from Compass Data Warehouse prior to agreeing to any new award amounts from a recommending official.

When an employee is recommended for a proposed monetary award by someone other than their supervisor of record, the following steps should be taken:

- A) The recommending official should send to the employee's supervisor of record the "Recommendation for Incentive Award" (two page form). The form should be completed by the recommending official in its entirety, except for "authorizing official" signature.
- B) Assuming the supervisor of record approves the recommended monetary award, he or she signs as the authorizer on the award recommendation form. The supervisor of record will also coordinate senior management official (or appropriate designee) approval, as applicable, where the award amount received pushes the employee's total amount for the FY above \$5,000.
- C) If the employee is not on detail or temporary promotion outside the organization to which they're permanently assigned, the supervisor of record submits the award (with the signed award recommendation form attached) to their appropriate shared service center via the Federal Personnel/Payroll System.
- D) If the employee is on detail or temporary promotion outside their organization of permanent assignment, the supervisor of record will send the approved award recommendation form to the individual supervising the employee while on such assignment. That temporary supervisor will submit the award (with the signed award recommendation form attached) to his or her servicing SPO via FPPS.

If any proposed award would push an employee's cumulative monetary award above \$10,000 in a FY, the Assistant Administrator of OARM must review and provide concurrence on the action before it can

be processed. The employee's AA/RA (or DAA/DRA/SRO) would submit the approval request to the Assistant Administrator of OARM through the Director of OHR. The documentation in the request must include a list of monetary awards received within the FY and information on the proposed monetary award that would push the cumulative total above \$10,000.

Implementing these changes will enable supervisors of record to determine the necessity for higher level approvals. It is important to point out that the delegation for *recommending* officials will remain the same. What will change for some offices who have redelegated approval authority is the *approving official* based on the amount of the individual or cumulative monetary awards an employee receives in a FY.

New Awards Approval Process	
Employee's individual or cumulative award(s) in the FY total \$5,000 or below	No change. The recommending and approving official follows the current process described in EPA Delegation 1-15 and EPA Manual 3130.A2.
Employee's individual or cumulative award(s) in the FY total \$5,001 to \$10,000.	The recommending official follows the current process described in EPA Delegation 1-15 and EPA Manual 3130.A2. The <i>approving</i> official is the AA/RA (or DAA/DRA/SRO).
Employee's <i>cumulative</i> awards in the FY total \$10,001 or above.	The recommending official follows the current process described in EPA Delegation 1-15 and EPA Manual 3130.A2. The <i>approving</i> official is the AA/RA (or DAA/DRA/SRO). The AA of OARM must also concur on the action.
Employee's <i>individual</i> award in the FY totals \$10,001 or above.	No change. The recommending and approving official follows the current process described in EPA Delegation 1-15 and EPA Manual 3130.A2.

I understand that this new process places an additional responsibility on supervisors of record and senior management officials but it is necessary to ensure proper oversight of our awards program.

EPA Delegation 1-15 and the relevant chapters in EPA Manual 3130.A2 will be revised to reflect the change to the approval process. In the interim, programs and regions are to refer to this memorandum, EPA Delegation 1-15 and EPA Manual 3130.A2 when determining the approving official for a monetary award.

Senior Executive Service, Senior Level and Scientific or Professional Position monetary awards are excluded from the provisions of this interim policy. The Performance Review Board makes recommendations to the Administrator on all special act/accomplishment and performance awards for SES, SL and ST employees. These awards will continue to be monitored by the Executive Resources Division, OHR, as part of OARM's oversight of the awards process.

I appreciate your cooperation in helping to ensure all monetary awards approved at this agency are reasonable and properly justified. If you have any question, please contact me at (202) 564-4600 or Linda Gray, director, Office of Human Resources, at (202) 564-4606.

cc: Deputy Assistant Administrators
Deputy Regional Administrators
Assistant Regional Administrators
Directors, OARM/Cincinnati and RTP

Directors, Human Resources Shared Service Centers
Program Management Officers
Regional Human Resources Officers

February 4, 2000

MEMORANDUM

SUBJECT: One-time Delegation of Authority to Approve Assistance Agreements under TSCA Section 10 and FIFRA Section 20, Pursuant to PL 106-74

TO: Susan H. Wayland
Deputy Assistant Administrator
Office of Prevention, Pesticides and Toxic Substances

Regional Administrators

You are hereby delegated authority to approve assistance agreements under FIFRA section 20 and TSCA section 10, pursuant to PL 106-74. This one-time delegation of authority will remain in effect until July 31, 2000, unless extended or superseded by a subsequent delegation. This delegation is limited to assistance agreements you determine are necessary to support critical or time-sensitive activities that cannot be delayed until the approval of full delegations through Agency Directives Clearance Review. This authority may be redelegated to the Division Director level, or equivalent, and may not be redelegated further.

Carol M. Browner /s/

January 11, 2001

MEMORANDUM

SUBJECT: Temporary Delegation for Administrative Enforcement and Information Gathering Pursuant to the Mercury-Containing And Rechargeable Battery Management Act, 42 U.S.C. §§ 14301-36, and 40 C.F.R. Part 22

TO: Steven A. Herman, Assistant Administrator
Office of Enforcement and Compliance Assurance

Pursuant to Sections 5 and 6 of the Mercury-Containing And Rechargeable Battery Management Act, 42 U.S.C. §§ 14301-36, and 40 C.F.R. Part 22, you are hereby delegated the following authorities:

Section 5

- a. To make determinations of violations of the Act; to issue warning letters or other notices; to file administrative complaints and orders against alleged violators of the Act for the purpose of proposing civil penalties, requiring compliance, or both, as provided for in the Act; and to negotiate and sign consent agreements memorializing the settlements between the Agency and respondents.
- b. To represent the Agency in administrative enforcement actions for civil penalties and injunctive relief conducted under the Mercury-Containing And Rechargeable Battery Management Act.
- c. To negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; to initiate an appeal from an administrative determination; and to represent the Agency in such appeals.
- d. To sign consent agreements between the Agency and respondents resulting from such enforcement actions.
- e. To issue consent orders memorializing settlements between the Agency and respondents resulting from administrative enforcement actions under the Mercury Containing And Rechargeable Battery Management Act.
- f. To issue final orders assessing penalties or requiring compliance, or both, under the Mercury-Containing And Rechargeable Battery Management Act.

- g. To issue subpoenas for the attendance and testimony of witnesses, and for production of documents, papers, etc.

Section 6

- h. To inspect any establishment, facility or other premises in which records or reports in the possession of a person that is required to carry out the objectives of this Act are held. Any such inspection shall be conducted in accordance with Section 6 of the Act.
- i. To request the Department of Justice to obtain and execute warrants for the purpose of performing inspections and information gathering.
- j. To carry out or require the carrying out of any other inspection and information gathering activities authorized by the Act.
- k. To designate representatives of the Administrator to perform the functions in subparagraphs h, i, and j, above.

This temporary delegation of authority will remain in effect until June 30, 2001, unless extended or superseded by a subsequent delegation(s). This delegation is limited to the purposes stated above and may be exercised only within the limitations of the Act. These authorities may be redelegated to the Division Director level, or equivalent, and may not be redelegated further.

/s/
Carol M. Browner

June 23, 2000

MEMORANDUM

SUBJECT: Temporary Delegation for Administrative Enforcement and Information Gathering Pursuant to the Mercury-Containing And Rechargeable Battery Management Act, 42 U.S.C. §§ 14301-36, and 40 C.F.R. Part 22

TO: Steven A. Herman, Assistant Administrator
Office of Enforcement and Compliance Assurance

Pursuant to Sections 5 and 6 of the Mercury-Containing And Rechargeable Battery Management Act, 42 U.S.C. §§ 14301-36, and 40 C.F.R. Part 22, you are hereby delegated the following authorities:

Section 5

- a. To make determinations of violations of the Act; to issue warning letters or other notices; to file administrative complaints and orders against alleged violators of the Act for the purpose of proposing civil penalties, requiring compliance, or both, as provided for in the Act; and to negotiate and sign consent agreements memorializing the settlements between the Agency and respondents.
- b. To represent the Agency in administrative enforcement actions for civil penalties and injunctive relief conducted under the Mercury-Containing And Rechargeable Battery Management Act.
- c. To negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; to initiate an appeal from an administrative determination; and to represent the Agency in such appeals.
- d. To sign consent agreements between the Agency and respondents resulting from such enforcement actions.
- e. To issue consent orders memorializing settlements between the Agency and respondents resulting from administrative enforcement actions under the Mercury Containing And Rechargeable Battery Management Act.
- f. To issue final orders assessing penalties or requiring compliance, or both, under the Mercury-Containing And Rechargeable Battery Management Act.

- g. To issue subpoenas for the attendance and testimony of witnesses, and for production of documents, papers, etc.

Section 6

- h. To inspect any establishment, facility or other premises in which records or reports in the possession of a person that is required to carry out the objectives of this Act are held. Any such inspection shall be conducted in accordance with Section 6 of the Act.
- i. To request the Department of Justice to obtain and execute warrants for the purpose of performing inspections and information gathering.
- j. To carry out or require the carrying out of any other inspection and information gathering activities authorized by the Act.
- k. To designate representatives of the Administrator to perform the functions in subparagraphs h, i, and j, above.

This temporary delegation of authority will remain in effect until December 31, 2000, unless extended or superseded by a subsequent delegation(s). This delegation is limited to the purposes stated above and may be exercised only within the limitations of the Act. These authorities may be redelegated to the Division Director level, or equivalent, and may not be redelegated further.

/s/
Carol M. Browner



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY 29 2015

MEMORANDUM

SUBJECT: Temporary Delegation of Authority for the Office of International and Tribal Affairs Principal Deputy Assistant Administrator to Perform Duties Delegated to the OITA Assistant Administrator

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the name.

TO: Jane Nishida, Principal Deputy Assistant Administrator
Office of International and Tribal Affairs

I hereby grant temporary authority to you, in your capacity as the principal deputy assistant administrator for the Office of International and Tribal Affairs, to take necessary action in performance of all functions and duties previously delegated to the OITA assistant administrator in the U.S. Environmental Protection Agency's delegations manual that could have been redelegated to a subordinate official in OITA. In the event that another EPA official becomes the OITA principal deputy assistant administrator in a non-acting capacity before this temporary delegation expires, temporary delegation continues in effect for the position of OITA principal deputy assistant administrator.

Temporary Delegation of Authority for the Office of International and Tribal Affairs Principal Deputy Assistant Administrator to Perform Duties Delegated to the OITA Assistant Administrator.

1. **AUTHORITY.** To take necessary action in performance of all functions and duties previously delegated to the OITA assistant administrator in the agency's delegations manual that could have been redelegated to an OITA subordinate official. The principal deputy assistant administrator is also designated as the responsible official when a limitation in the delegations manual requires other agency offices or regions to consult, coordinate with or obtain the approval or concurrence of the OITA assistant administrator before taking action. This delegation also ratifies any actions taken by the principal deputy assistant administrator and the former deputy assistant administrators that are consistent with the delegations of authority to the OITA assistant administrator between October 21, 2013, and the date of this delegation.
2. **TO WHOM DELEGATED.** OITA principal deputy assistant administrator.
3. **LIMITATIONS.** This temporary delegation of authority is limited to the purposes stated above and will remain in effect until the President appoints a nominee for the position of OITA assistant administrator and he or she is confirmed by the Senate or makes a recess appointment to fill the vacant position. It does not supersede or alter any previous redelegations of authority made by the OITA assistant administrator.
4. **REDELEGATION AUTHORITY.** The principal deputy assistant administrator may redelegate authority consistent with the agency's delegations manual. Such a redelegation would not divest the principal deputy assistant administrator of the power to exercise that authority, which the principal deputy assistant administrator or the Administrator may revoke at any time.

REFERENCES. None.

A handwritten signature in dark ink, appearing to be "Barack Obama", written in a cursive style.

December 20, 2000

MEMORANDUM

SUBJECT: One-Time Delegation of Authority to Confer with the Department of the Army Pursuant to the Resource Conservation and Recovery Act (RCRA), Section 6001(b)(2), Regarding the RCRA Section 7003 Administrative Order Issued to the Department of the Army for Saipan Island, Commonwealth of Northern Mariana Islands

TO: Sylvia K. Lowrance, Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance

Section 6001(b)(2) of the Resource Conservation and Recovery Act (RCRA) provides that: "No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator." For the purpose of responding to the Department of the Army's November 13, 2000, request for an opportunity to confer regarding the unilateral administrative order issued to the Department of the Army for Saipan Island, Commonwealth of Northern Mariana Islands, you are hereby delegated authority to confer, pursuant to RCRA Section 6001(b)(2).

This one-time delegation of authority will remain in effect until March 31, 2001, unless extended or superseded by a subsequent delegation. This authority may not be redelegated further.

/s/
Carol M. Browner

cc: Steven A. Herman, Assistant Administrator



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 26 2014

MEMORANDUM

SUBJECT: Delegation of Authority 12-34 Related to the Certification of Individuals and Firms Under Section 402 of the Toxic Substances Control Act

FROM: Gina McCarthy

A handwritten signature in dark ink, appearing to read "Gina McCarthy", is written over the name.

TO: Assistant Administrator, Office of Chemical Safety and Pollution Prevention
Region 2 Administrator
Region 9 Administrator

I hereby grant you delegation of authority 12-34 related to the certification of individuals and firms under Section 402 of the Toxic Substances Control Act.

12-34. Certification of Individuals and Firms Under Section 402 of the Toxic Substances Control Act (1200 TN 432)

1. **AUTHORITY.** The authority under Section 402 of the Toxic Substances Control Act [15 U.S.C. 2682] to perform the functions and responsibilities related to the certification of individuals and firms in those states and Indian country that do not have an authorized accreditation and certification program under Section 404 of the Toxic Substances Control Act, as follows:
 - a. The following functions and responsibilities regarding lead-based paint activities under the Code of Federal Regulations 40 CFR 745, Subpart L:
 - i. To grant the certification and recertification to individuals pursuant to 40 CFR 745.226.
 - ii. To suspend, revoke or modify the certification of individuals pursuant to 40 CFR 745.226(g).
 - iii. To grant the certification to firms pursuant to 40 CFR 745.226(f).
 - iv. To suspend, revoke or modify the certification of a firm pursuant to 40 CFR 745.226(h).
 - b. The following functions and responsibilities regarding residential-property renovations under 40 CFR 745, Subpart E:
 - i. To grant the certification and recertification to firms pursuant to 40 CFR 745.89.
 - ii. To suspend, revoke or modify the certification of a firm or individual pursuant to 40 CFR 745.91.

2. TO WHOM DELEGATED.

- a. The authority in 1.a.i. and 1.a.ii. is delegated to the Region 2 administrator and the Region 9 administrator as follows:

- i. If the individual's home address, as stated in their application for certification, is in Region 2, the authority is delegated to the Region 2 administrator.
 - ii. If the individual's home address, as stated in their application, is in a region other than Region 2, the authority is delegated to the Region 9 administrator.
- b. The authority in 1.a.iii., 1.a.iv. and 1.b. is delegated to the assistant administrator for the Office of Chemical Safety and Pollution Prevention.

3. REDELEGATION AUTHORITY.

- a. The regional administrators may redelegate the authorities in 1.a.i. and 1.a.ii. to the regional branch-chief level or its equivalent and no further.
- b. The assistant administrator for the Office of Chemical Safety and Pollution Prevention may redelegate the authorities in 1.a.iii., 1.a.iv. and 1.b. to the branch-chief level or its equivalent and no further.
- c. An official who redelegates authority does not divest herself or himself of the power to exercise that authority, and any redelegations can be exercised by management officials through the chain of command to the lowest level of delegated authority.
- d. An official who redelegates authority may revoke such redelegation at any time.

4. ADDITIONAL REFERENCES.

- a. Subchapter IV, Lead Exposure Reduction of the Toxic Substances Control Act [15 U.S.C. 2681 et seq.].
- b. 40 CFR Part 745.
- c. EPA Delegation 12-31. Authorization of State and Tribal Programs Under Section 404.
- d. EPA Delegation 12-32. Accreditation and Certification Fees Under Section 402(a)(3).
- e. EPA Delegation 12-33. Accreditation of Training Programs Under Section 404.

May 4, 2006

MEMORANDUM

SUBJECT: Temporary Delegation of Authority Pursuant to Public Law 102-402 to Certify That Response Action Required at the Rocky Mountain Arsenal Has Been Completed

TO: Robert E. Roberts
Regional Administrator, Region 8

You are hereby delegated the authority to exercise the Administrator's authority pursuant to section 2(b)(2) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992, Public Law 102-402, to certify to the Secretary of the Army that response action required at the Arsenal and any action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at the Arsenal have been completed, except operation and maintenance associated with those actions.

This is a temporary delegation of authority and will remain in effect for a period of one year, unless extended or superseded by a subsequent delegation(s). The authority granted to the Regional Administrator may be redelegated to the Assistant Regional Administrator level, and no further.

/s/
Stephen L. Johnson

May 3, 2006

MEMORANDUM

SUBJECT: Temporary Delegation of Authority under the Deepwater Port Act to
Provide Recommendations to the Secretary of Transportation
Regarding the License Application Submitted for the Freeport-
McMoran Energy, LLC for the Main Pass Energy Hub

TO: Richard Greene
Regional Administrator
Region VI

You are hereby granted delegated authority under Deepwater Port Act section 5(e)(2), 33 U.S.C. § 1504(e)(2), to provide recommendations to the Secretary of Transportation, or his delegated subordinate, regarding the license application for the Main Pass Energy Hub.

This temporary Delegation of Authority will remain in effect until exercised, but not to exceed one year, and is limited to the purposes stated above and may be exercised only with the limitations of the Deepwater Port Act. This authority may not be redelegated.

/s/
Stephen L. Johnson

March 7, 2006

MEMORANDUM

SUBJECT: Temporary Delegation of Authority to Authorize the Director, Office of Children's Health Protection and Environmental Education, to Approve and Administer Assistance Agreements under EPA Delegation 1-74

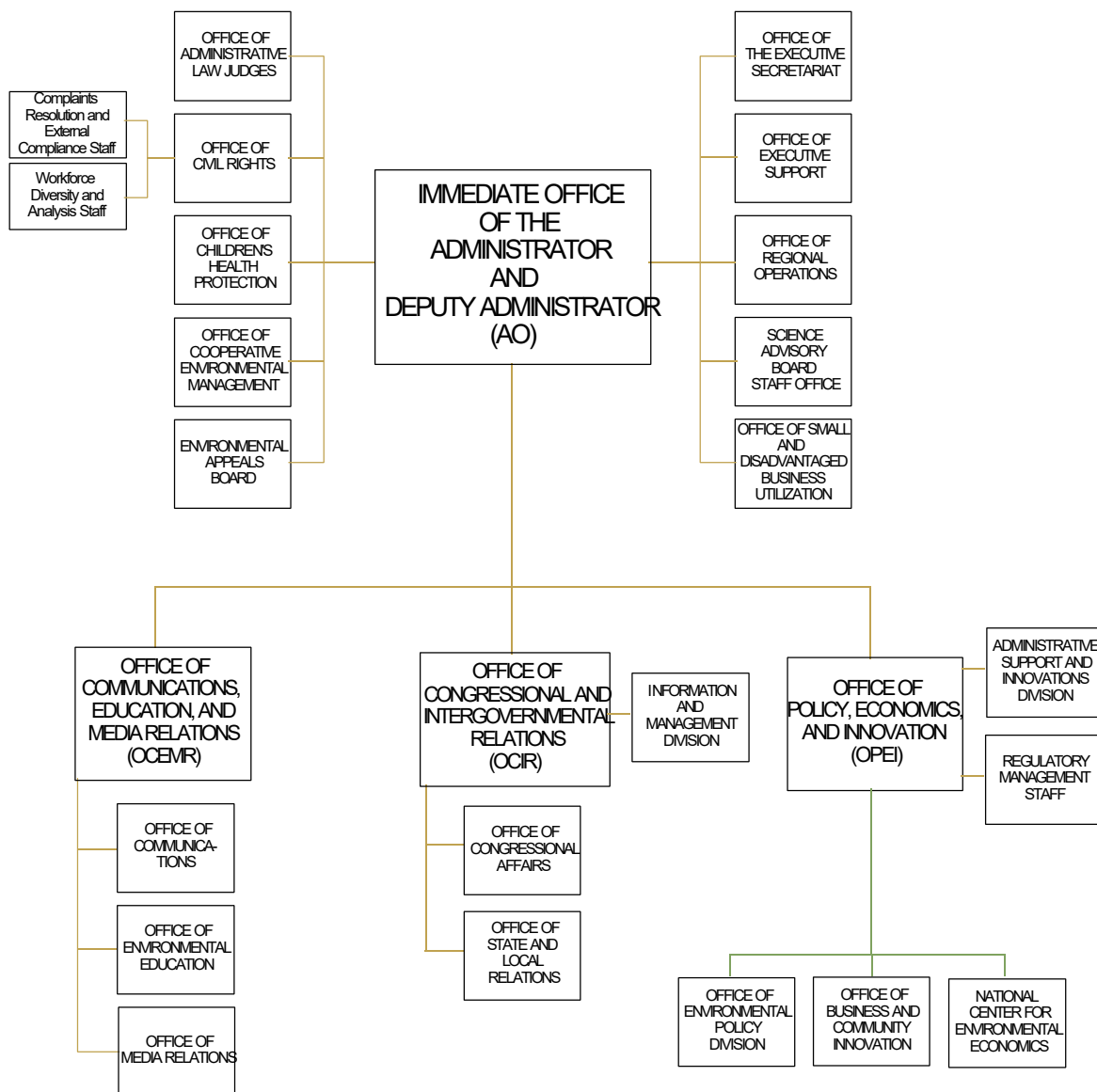
TO: William H. Sanders
Acting Director
Office of Children's Health Protection and Environmental Education

You are hereby delegated authority to approve and administer single media and multi-media assistance agreements to carry out initiatives related to the Environmental Education Grant Program under EPA Delegation 1-74, *Environmental Education Grants and Cooperative Agreements under Section 5 and Section 6 of the National Environmental Education Act of 1990.*[@] Authority for this delegation is provided pursuant to the National Environmental Education Act of 1990, Public Law 101-619. This temporary delegation of authority will remain in effect for one year from the date of approval, unless extended or superseded by a subsequent delegation(s). This delegation is limited to the purposes stated above and may be exercised only within the limitations of the National Environmental Education Act of 1990. This authority may be redelegated to Regional Administrators for issuance of grants of \$50,000 or less to applicants within their area of responsibility or jurisdiction.

/s/
Stephen L. Johnson

OFFICE OF THE ADMINISTRATOR (AO)

AO ORGANIZATIONAL CHART



AO FUNCTIONAL STATEMENT

1. **IMMEDIATE OFFICE OF THE ADMINISTRATOR.** The Office of the Administrator provides the overall supervision to the Agency. The Administrator is responsible to the President, and is assisted by the Deputy Administrator and staff offices including: Administrative Law Judges, Children's Health Protection, Civil Rights, Cooperative Environmental Management, Environmental Appeals Board, Executive Secretariat, Executive Support, Regional Operations, Science Advisory Board, and Small and Disadvantaged Business Utilization. In addition, the Administrator is assisted by Associate Administrators for Congressional and Intergovernmental Relations; Communications, Education, and Media Relations; and Reinvention.
 - a. **OFFICE OF ADMINISTRATIVE LAW JUDGES.** The Office of Administrative Law Judges, under the supervision of the Chief Administrative Law Judge, presides over and conducts formal hearings in accordance with Sections 556 and 557 of Title 5 of the United States Code (formerly the Administrative Procedure Act), and serves as adjudicator in proceedings which include EPA actions for the assessment of civil penalties under various environmental statutes, for the issuance of compliance orders, for revocation, termination and suspension of permits, and for suspension and cancellation of pesticide registrations. The Administrative Law judges also serve as neutrals in EPA Alternative Dispute Resolution proceedings. The office provides and supervises the Agency Hearing Clerk.
 - b. **OFFICE OF CIVIL RIGHTS.** The Office of Civil Rights, under the supervision and management of the Director, reports to the Agency Administrator and serves as the principal adviser to the Administrator with respect to EPA's nationwide internal and external equal opportunity and civil rights program and policies and the impact of Agency programs on minorities and women. All of the functions and responsibilities of the Director are Agencywide and apply to the provision of leadership, services, and advice with respect to all of the Agency programs and activities. Exercises responsibility to ensure equal opportunity and prohibit discrimination in employment in EPA in accordance with Title VII of the Civil Rights Act of 1964, as amended, and the other applicable civil rights statutes, Executive Orders, and implementing directives. Serves as Director, Equal Opportunity with functions and responsibilities as set forth in the Office of Personnel Management's Equal opportunity Regulations (Part 713) and implementing EPA directives. Ensures the implementation of the Agency's Special Emphasis programs, the purposes of which are to address the concerns, needs, and aspirations of women, Hispanics, African Americans and Asian Pacific Islander Americans. In accordance with Title VI of the Civil Rights Act of 1964 and the other external civil rights statutes, assures that recipients of EPA financial assistance do not discriminate on the basis of race, color, national origin, sex, age or disability. Serves as Agency Title VI Coordinator pursuant to the Act, Executive Order 11764, and regulations of the Department of Justice. Serves as Fair Housing Officer with functions and responsibilities as set forth in the Department of Housing and Urban Development directives pursuant to Title VIII of the Civil Rights Act of 1968. Provides Agency focal point for liaison with the Departments of Justice, Commerce, Labor, Housing and Urban Development, Education, the Office of Personnel Management, the Equal Employment Opportunity Commission, and the U.S. Commission on Civil Rights on matters within his/her areas of responsibility. Ensures the exercise of Agency responsibilities regarding enforcement of Title IX of the Education Act Amendments of 1972, prohibiting discrimination on the basis of sex. Provides for technical program policy direction, advice and guidance in the performance of Agency Regional and field activities in the Office's areas of responsibility. Directs the implementation of the Office of Civil Rights (OCR) programs within the laboratories.
 - 1) **COMPLAINTS RESOLUTION AND EXTERNAL COMPLIANCE STAFF.** The Complaints Resolution and External Compliance Staff, under the supervision of the Associate Director, reports to the Office Director and performs the following functions: Managing the Agency's Discrimination Complaints Program pursuant to Title VII of the Civil Rights Act, as amended, and the other nondiscrimination statutes and guidelines; recommending to the Director of the Office of Civil Rights (OCR) Agencywide policies and procedures relative to discrimination complaints including the selection and training of EEO counselors, counseling procedures, investigation of complaints, adjudication, and

review of EEOC decisions; administering, on an Agencywide basis, the counseling, intake, investigation and adjudicatory processes and maintaining a monitoring and case Tracking' system; developing policies and procedures for and ensuring the implementation of the Agencywide programs that assure compliance by Agency grantees with provisions of applicable laws, Executive Orders, regulations affording equal opportunity. In accordance with Title VI of the Civil Rights Act of 1964, as amended, and other external civil rights statutes, assuring that recipients of EPA financial assistance do not discriminate on the basis of race, color, national origin, sex, age or disability, in accordance with Title VI of the Civil Rights Act of 1964, as amended, and other external civil rights statutes; serving as Agency Title VI Coordinator pursuant to the Act, Executive Order 11764, and regulations of the Department of Justice.

- 2) **WORKFORCE DIVERSITY AND ANALYSIS STAFF.** The Workforce Diversity and Analysis Staff, under the supervision of the Associate Director, reports to the Office Director and is responsible for the following functions: Ensure the implementation of the Agency's Special Emphasis Programs, the purposes of which are to address the concerns, needs, and aspirations of women and minorities; plan, develop and monitor implementation of the Agency's Affirmative Employment Plan; promote the Agency's participation and involvement with Minority Academic Institutions (MAIs) under applicable Executive Orders. Serve as the focal point and primary resource within the Office of Civil Rights for EPA's activities in all aspects of the Agency's Affirmative Employment and Special Emphasis activities; develop and maintain systems for tracking and evaluating the accomplishment of program objectives and compliance with established policies; provide advice and counsel to the Director on policy development, planning, budgeting and other matters as they relate to the Agency's EEO programs. Perform periodic and special studies of civil rights and equal opportunity programs; direct the development of new or modified methods, policies, procedures and programs based upon analysis of trends and problem areas; and provide for technical program policy direction, advice and guidance in the performance of Agency, regional and field activities in the Office's areas of responsibility.
- c. **OFFICE OF CHILDREN'S HEALTH PROTECTION.** Reports directly to the Administrator. The mission of the Office of Children's Health Protection is to make the protection of children's health a fundamental goal of public health and environmental protection in the United States. The Office is responsible for implementing EPA's National Agenda for the Protection of Children from Environmental Health Threats; implementing the President's Executive Order to Protect Children from Environmental Health and Safety Threats, signed April 21, 1997; supporting the President's Task Force on Environmental Health Risks and Safety Risks to Children co-chaired by the Administrator and the Secretary of Health and Human Services; coordinating children's environmental health issues with the Department of Health and Human Services, other Federal agencies, across the EPA, as well as Congress, State, local and tribal governments, academic institutions, health professionals, community groups, parents, and others.

Provides a comprehensive review of child-protective environmental standards and regulations, susceptibility and exposure to pollutants; assesses current research agenda and develops an integrated cross-agency science agenda for children's environmental health issues; fosters enhanced linkages between basic science and agency public health and environmental policy that affects children; and expands community right-to-know and education on children's health issues. Develops procedures and training to ensure that EPA meets its commitment to set standards that adequately protect against differential health effects facing children and to ensure coordination of individual rulemakings affecting children's environmental health.

In order to perform these functions, the Office has been organized into teams. The Office has established a board, whose charge will be to ensure the integration of Agency activities affecting children and to serve as a catalyst for actions that will be protective of children.

- d. **OFFICE OF COOPERATIVE ENVIRONMENTAL MANAGEMENT.** The Office of Cooperative Environmental Management (OCEM), which is in the Office of the Administrator, serves the Administrator and the Deputy Administrator, by performing the following functions: manages EPA's advisory committee management function as required by the Federal Advisory Committee Act of 1972 (FACA), and provides advice, consultation and support to the Agency offices operating and overseeing advisory committees; functions as manager of, and provides Federal staff support to, the Administrator's National Advisory Council for Environmental Policy and Technology (NACEPT) and international advisory committees; Provides external input to Assistant Administrators on selected topics, where appropriate; and functions as a broker for the development of transfer activities across the Agency's programs, with States and local governments, business and industry, academia, and with other governments and international agencies.
- e. **ENVIRONMENTAL APPEALS BOARD.** The Environmental Appeals Board serves as the Agency's administrative appellate authority in the consideration and resolution of appeals or other requests for a decision by the Administrator in adjudicatory matters required by statute to be made by the Administrator, and in any other matters of a quasi-judicial nature which require an appellate decision by the Administrator and arise out of EPA's regulatory programs. At the request of the Administrator, decides, makes recommendations, or serves as fact-finder on other issues for which an independent objective analysis is required.
- f. **OFFICE OF THE EXECUTIVE SECRETARIAT.** The Executive Secretariat, under the supervision of a Director (also known as the Executive Secretary), is responsible to the Administrator's Chief of Staff for the Administrator's and Deputy Administrator's correspondence and the Agency Freedom of Information program. The Executive Secretariat:
- ! Working closely with the AA ships, regional offices, and field offices, functions as National Program Manager, providing oversight, guidance, and communication of the Agency correspondence and FOIA processes, continuously reviewing and improving the effectiveness and efficiency of the process, the quality and timeliness of the product, and developing and coordinating policy and procedures for the management of executive correspondence and the FOIA program;
 - ! Works closely with the Offices of the General Counsel and Communications and Public Affairs to carry out the Agencywide responsibilities of FOIA;
 - ! Processes incoming correspondence and FOIA requests by receiving them, providing special instructions, routing them to the appropriate recipient or assigning them for action, and tracking to assure timely handling; notifies appropriate staff of overdues;
 - ! Presents outgoing correspondence to the Administrator and Deputy Administrator for signature, and dispatches the signed correspondence;
 - ! Assures the quality of executive letters and other documents leaving the Agency, including form, grammar and punctuation, responsiveness, style, and sensitivity, and assures compliance of FOIA responses with the FOI Act and regulations;
 - ! Implements and maintains a system of correspondence records for the Administrator and Deputy Administrator, and a system of FOIA records, providing accessible and accurate management information; prepares the annual FOIA report to Congress, other reports as required; and
 - ! Develops and conducts Agency FOIA and correspondence training.
- g. **OFFICE OF EXECUTIVE SUPPORT.** The Executive Support Office, under the supervision-of a Director, provides the Administrator; the Deputy Administrator; their Assistants and Special Assistants; the Associate

Administrators and their staffs; and the Administrator's Headquarters Staff Offices with administrative, financial management, ADP and budget support. This includes the preparation of budget documents, operating plans and supporting justifications for all resource decisions; planning studies to assess resource requirements; assistance in developing and implementing automated resource and tracking systems; preparation of organization and personnel materials; preparation and tracking of payroll, travel and procurement actions; and facilities, space and property support.

- h. **OFFICE OF REGIONAL OPERATIONS.** The Office of Regional Operations under the supervision of a Director, serves as the Regional Offices' advocate and ombudsman at Headquarters, and is a critical link between the Administrator/Deputy Administrator, the Assistant Administrators, General Counsel, the Inspector General and the Regional/Deputy Regional Administrators. The Office ensures the integration of Headquarters' policy and concerns into Regional Office operations, as well as the incorporation of Regional Office views and needs in the formulation of Agency and National policy and decision-making processes. Specifically, ORO performs two critical roles for the Agency: Regional liaison and Program Manager for planning and resource functions for specific Regional programs. The Regional liaison role involves coordination of logistics, agendas, and subject matter for routine, special, and "hot issue" meetings/conference calls of EPA and Regional senior leaders; coordination and maintenance of the Lead Region System which enhances Regional participation in Agency decision-making; champion/advocate for the Regions in obtaining information from appropriate HQ and Regional Offices to support RA and DRA decision-making; and may include collection and distribution to Regional senior managers current information and perspectives available on rapidly emerging issues, development of "rapid summaries" of Regional perspectives on issues, special analyses, and tools for cross-Regional assessments. The Program Manager role involves resource monitoring and policy coordination of the Regional Geographic Initiatives (RGI) and Regional Science & Technology (RS&T). In addition, ORO works closely with the Office of Congressional and Intergovernmental Relations in its management of the National Environmental Performance Partnership System (NEPPS) by coordinating, as appropriate, with OCIR and the Regions to ensure proper delivery of this program to the States.
- i. **SCIENCE ADVISORY BOARD STAFF OFFICE.** The Science Advisory Board Staff Office, under the supervision of a Staff Director, provides expert and independent advice to the Administrator on issues relating to the scientific and technical problems facing the Agency, the strategies devised to meet these problems, the technical programs to solve problems, and the priorities among these. It advises on broad scientific, technical, and policy matters; assesses the results of specific research efforts; assists in identifying emerging environmental problems; and advises the Administrator on the cohesiveness and currency of the Agency's scientific programs.
- j. **OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.** The Office of Small and Disadvantaged Business Utilization, under the supervision of a Director, is responsible for developing policy and procedures implementing the functions and duties under Sections 8 and 15 of the Small Business Act as amended by P.L. 95-507 (October 24, 1978). The Office develops policies and procedures implementing the provisions of Executive Order 11625, 12432 and 12138, and is responsible for developing policies and procedures for implementing the requirements of section 105 (f) of P.L. 99-499 Section 129 of P.L. 100-590, and certain requirements of P.L. 101-549 and P.L. 102-389. It establishes policy, guidance and assistance to small and disadvantaged businesses, including small businesses in rural areas, minority businesses, women-owned businesses, and other socioeconomic groups. The Office furnishes information and assistance to the Agency's field offices responsible for carrying out related activities, and represents EPA at hearings, interagency meetings, conferences and other appropriate forums on matters related to the advancement of the above cited business enterprises.

The Office develops, in collaboration with the Office of Acquisition Management, Office of Administration and Resources Management, and other appropriate EPA officials, programs to stimulate and improve the involvement of small business, minority business, labor surplus areas and women-owned business enterprises in the overall EPA procurement process. It monitors and evaluates Agency performance in achieving EPA goals and objectives in the above areas, and recommends the assignment of EPA technical advisors to assist

designated Procurement Center Representatives of the Small Business Administration in their duties relating to Section 8 and 15 of the Small Business Act as amended.

The Office is responsible for assuring that small, minority and women-owned firms are given the opportunity to receive a "fair share" of subagreements during the procurement phase of certain types of financial assistance awarded by the Agency. It develops policies and procedures to aid these business entities with the assistance of the Grants Administration Division, Office of Administration and Resources Management, and the Grants, Contracts, and General Law Division, Office of General Counsel. It is responsible for the collection of data and for monitoring the effectiveness of the program and serves as the principal focal point between EPA and the Minority Business Development Agency of the U.S. Department of Commerce.

The Office is responsible for internal training programs to enhance the capabilities of EPA personnel responsible for assisting small, minority and women-owned businesses. It also is responsible for ascertaining the needs for providing external specialized training programs to assist small, minority and women-owned businesses. This training is to help these businesses to participate in procurements awarded under EPA environmental programs.

2. **OFFICE OF COMMUNICATIONS, EDUCATION, AND MEDIA RELATIONS.** The Associate Administrator for Communications, Education, and Media Relations reports to the Administrator and is the principal advisor to the Administrator and the Agency's primary policy official on all Agency communications, environmental education, and media relations activities. The Associate Administrator is the Agency's principal spokesperson with the news media and the Agency's principal liaison with the White House on all Agency communication issues. The Associate Administrator is assisted by a Deputy Associate Administrator, an immediate office staff, and three offices: Office of Communications, Office of Environmental Education, and Office of Media Relations.

The Deputy Associate Administrator reports to the Associate Administrator and assists her/him in the discharge of her/his duties and serves as Acting Associate Administrator in the absence of the Associate Administrator.

The Immediate Office Staff reports to the Associate Administrator and is responsible for implementing the Associate Administrator's decisions involving resource management within the organization, regional coordination of OCEMR's activities, and OCEMR policy issues.

- a. **OFFICE OF COMMUNICATIONS.** The Office of Communications, which is headed by a Director who reports to the Associate Administrator:

- ! Ensures that public access and involvement are effectively integrated into all relevant Agency activities.
- ! Ensures that EPA policies and priorities are clearly and consistently communicated throughout the Agency.
- ! Establishes and maintains close working relationships with a broad range of public and private-sector organizations to: (1) anticipate and address stakeholder concerns regarding Agency and environmental matters, (2) keep senior EPA officials apprized of stakeholder needs, perspectives, and issues, (3) promote and support stakeholder involvement and public participation in Agency decisionmaking; and (4) identify opportunities for public/private partnerships.
- ! Ensures that comprehensive and integrated communications planning occurs with stakeholders on Agency activities.
- ! Serves as Agency-wide point of contact for the planning, development, and review of all Agency print and electronic products intended for the public and targeted audiences to

assure their (1) effectiveness, accuracy, and relevance for intended audiences; (2) compliance with Agency communications requirements; and (3) compatibility with the Administrator's priorities and goals.

- ! Provides Agency-wide guidance and assistance to Program and Regional Offices in disseminating information to maximize public access through mechanisms such as the biweekly Activities Update, an EPA Speakers' Bureau, and the creation of information products particularly suited to the public and targeted audiences.
- ! Reviews, coordinates, and, as appropriate, facilitates the outreach, communication, and public education components for EPA special initiatives and projects that cross program lines.
- ! Develops innovative approaches for ensuring that all Agency communications are conceived, designed, and disseminated effectively to meet the needs of their intended audiences and has specific responsibility for assuring that products and services conform to accepted professional communications standards.
- ! Coordinates White House and interagency requests for EPA stakeholder information.

b. **OFFICE OF ENVIRONMENTAL EDUCATION.** The Office of Environmental Education, which is headed by a Director who reports to the Associate Administrator:

- ! In consultation with other federal agencies and non-governmental organizations, develops and supports programs to improve understanding of the environment and the relationships between humans and their environment.
- ! Identifies and disseminates model curricula, educational materials, and training programs for elementary, secondary, and post-secondary students and other related audiences.
- ! Develops and supports environmental education seminars, workshops, and related activities for environmental education professionals under an environmental education and training programs.
- ! Manages federal grant assistance provided to local education agencies, institutions of higher education, other not-for-profit organizations, and noncommercial education broadcasting entities under an environmental education grant program.
- ! Administers environmental internship and fellowship programs, including the National Network for Environmental Management Studies.
- ! Administers an environmental education youth awards program.
- ! Provides staff support to the National Environmental Education Advisory Council, the Federal Task Force on Environmental Education, and the EPA Environmental Education Advisory Board.
- ! Assures the coordination of federal statutes and programs administered by the Agency relating to environmental education, and works with EPA's Office of International Activities on international environmental education programs and materials.
- ! Serves as Agency liaison with the National Environmental Education and Training Foundation.

! Otherwise provides for the implementation of the National Environmental Education Act of 1990.

c. **OFFICE OF MEDIA RELATIONS.** The Office of Media Relations, which is headed by a Director who reports to the Associate Administrator:

! Manages the Agency's relationship with the news media.

! Ensures comprehensive and integrated communications planning occurs involving Agency announcements, etc., and other media relations activities.

! Provides the principal dissemination system to the news media for official Agency announcements, press releases and statements, speeches, Congressional and public hearing testimony, calendars and biographies of principal officers and other documents of interest.

! Provides support to senior Agency officials in their relationships with the news media, and provides guidance and assistance in disseminating information to the press.

! Monitors nationwide news media coverage of environmental activities and informs Agency officials of such coverage through a daily news clip sheet and video news clips and archives these materials for future reference.

! Serves as official spokesperson for the Agency with the news media.

! Drafts responses to clarify, amplify or correct information in editorials and articles appearing in national or regional news media.

! Provides video footage and still photos of Agency activities to the news media and Agency staff when requested and archives these materials for future reference.

3. **OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS.** The Associate Administrator for Congressional and Intergovernmental Relations serves as the principal advisor to the Administration all Congressional Affairs and State and local governmental relations. The Office of Congressional and Intergovernmental Relations serves as EPA's principal point of contact for Congress, States, and local governments and is the coordination point for interaction by other Agency offices and officials with these entities. The Office serves as the liaison for the Agency with the national associations for State and local officials, including, but not limited to, the so called Big Seven. The Office recommends and coordinates personal involvement by the Administrator/Deputy Administrator in relations with Congress. States, and local governments. All of the functions and responsibilities of the Associate Administrator apply to Agencywide programs and initiatives.

a. **INFORMATION AND MANAGEMENT DIVISION.** The Information and Management (I&M) Division notifies Congress of grant and contract awards. The Division is responsible for the Legislative Reference Library and general legislative research services for the Agency. The Division prepares transcripts of each Congressional hearing for the Agency's consumption. The Division also provides EPA reports and materials to Congress upon request. The Division is responsible for keeping the Office of Communications, Education, and Public Affairs informed of Congressional hearings. The Information and Management Division coordinates the Office's budget; develops and coordinates policies and procedures relating to Congressional correspondence as well as manages all Congressional correspondence for the Agency; monitors all computer-related issues; and maintains several office-wide database systems.

b. **OFFICE OF CONGRESSIONAL AFFAIRS.** The Office of Congressional Affairs, under the supervision of a Deputy Associate Administrator, serves as the Agency's principal point of contact with Congress and is responsible for developing and implementing the legislative agenda of the Agency.

The Office works with all Agency offices to develop legislative initiatives and draft legislative proposals (including draft bills, principles, statements, etc.). The Office then works with other Departments and Agencies to obtain Administration wide concurrence and clears the initiatives and proposals through the Office of Management and Budget (OMB). Finally, the Office effectively communicates such initiatives and proposals to Congress.

The Office coordinates the drafting of Agency views on legislative proposals and events, including Agency views on Statements of Administration Policy. The Office is responsible for coordinating the drafting of Agency views and obtaining Agency concurrence on the views. These views are then conveyed to OMB (if views were requested from OMB) or cleared through OMB for response (for example, if a Member of Congress requested EPA's views on a legislative proposal).

The Office coordinates the Agency's appearance at Congressional hearings. This includes: coordinating the drafting of testimony and obtaining Agency concurrence on testimony; clearance of testimony through OMB; preparation of Agency witnesses; summarizing the hearings for senior management; and coordination of responses to questions presented at Congressional hearings.

The Office's responsibilities include briefing and consulting with staff from the offices of the Administrator/Deputy Administrator and Assistant/Associate/Regional Administrators on developments in Congress that may affect their programs. The Office provides senior Agency officials with information on Congressional activities. It assures adequate and timely responses to Congressional inquiries and works with Headquarters and Regional staff in defining, planning, and implementing the Agency's response to such inquiries. Additionally, the Office works to communicate Agency initiatives to Members of Congress and Congressional committees. The Office prepares reports and recommendations on legislation, including enrolled bills. It ensures that the Agency is acting in accordance with OMB Circular A-19 and represents the Agency in all legislative workgroups conducted with other departments and agencies, OMB, CEQ, and other offices within the Executive Office of the President, providing analysis and technical drafting assistance.

- c. **OFFICE OF STATE AND LOCAL RELATIONS.** The Office of State/Local Relations, under the supervision of a Director who reports to a Deputy Associate Administrator, serves as the principal source of advice and information to the Administrator on State and local government relations and concerns. It serves as the point of contact for national associations and other groups representing State and local/small town governments, and for individual State and local/small town governments on environmental issues, programs, and initiatives. With the responsible program, including the American Indian Environmental Office, and Regional offices, the Office identifies and seeks solutions to emerging intergovernmental issues. It ensures that State and local/small town perspectives are brought to bear in the development of EPA policies and programs in the media offices, as well as the American Indian Environmental Office, and coordinates involvement by EPA Headquarters officials with State and local/small town government officials and communities through the appropriate Agency and other forums. The Office coordinates and provides technical assistance between Headquarters/Regional components and State and local/small town governments in resolving broad, issue oriented intergovernmental problems. It works with Regional Administrators to develop and encourage adoption of improved methods for dealing with State and local/small town governments on specific EPA initiatives, coordinates the development and implementation of the Agency's efforts to redefine EPA/State Relations under the National Environmental Performance Partnership System (NEPPS), and manages and supports the Agency's Local Government Advisory Committee and Small Town Subcommittee.

4. **OFFICE OF POLICY, ECONOMICS, AND INNOVATION.** EPA's Office of Policy, Economics, and Innovation (OPEI) supports the Agency's mission by promoting innovation that achieves greater and more cost effective public health and environmental protection. The Office, in consultation with its different internal and external stakeholders and partners, supports and oversees the testing of new and innovative approaches to environmental protection and related policy changes. The Office represents concerns of local, state, and federal governments; tribes; small businesses; and EPA managers and staff. It is also the focal point for economic analyses necessary to support change in today's business conditions. The Office's functions shall

not detract from the authority of senior Agency officials to perform similar functions within their own areas of responsibility. Specifically, the Office performs the following major functions:

- ! Promotes change and Agency-wide integration of new practices that result in increased achievements in environmental protection.
- ! Develops sector, industry specific and place-based approaches to environmental protection; identifies specific industrial sectors within which environmental gains can be made and working with industry, governmental and non-governmental stakeholders, craft and promote innovative policies which foster positive change.
- ! Provides critical economic analyses to augment and support the Agency's understanding of the financial and societal impacts of environmental policies and regulations. Conducts economic research that leads to the development of analytic tools used by Federal, State and local governments.
- ! Engages small business and communities to represent their specific concerns and interests with regard to environmental policies and protection.
- ! Provides procedural management and planning of Agency standards, regulations, policies and guidelines. Executes the Administrative Procedure Act, the Negotiated Regulation Act, the Congressional Review Act and assures consideration of Regulatory Flexibility Act requirements in the Agency's regulatory decisions.
- ! Advocates for appropriate outreach and accommodation for small entities in EPA rulemaking, and coordinates the Agency's compliance with the Small Business Regulatory Enforcement and Fairness Act (SBREFA).
- ! Works with the Office of Management and Budget, the Small Business Administration, and EPA Program Managers through the Small Business Advocacy Chair, located in the Immediate Office, on proposed regulations likely to impose a significant economic impact on a substantial number of small entities.
- ! Serves as the principal advisor to the Administrator in matters pertaining to policies and economics that promote innovative approaches to protecting public health and the environment.
- ! Provides leadership to ensure new approaches and related policies are identified, designed, and tested by supporting program-specific approaches in other EPA offices.
- ! Directs a coherent strategy for change in cross-Agency programs.
- ! Promotes system change by participating in the development of the Agency's Strategic Plan and tying innovation into the Agency's priorities and core work.
- ! Manages the Agency's regulation development and review process.
- ! Ensures successful new approaches and related policies are incorporated into the way EPA does business.
- ! Communicates system change successes and lessons learned both publicly and throughout EPA.
- ! Manages and coordinates communications functions in the Office including comprehensive and integrated communications planning.
- ! Oversees the implementation of all budgetary and extramural requirements, and the correspondence, personnel, and administrative responsibilities for the Office, in coordination with OES, OEX and OCIR.

Background and Supplemental Information:

! The activities outlined in this and the subsequent functional statements describe distinct activities conducted by the Office of Policy, Economics and Innovation. Each piece is expressed in the context of the Office or Division in which it sits, but simultaneously interconnects with many other parts of our Office. These interactions are not reflected in functional statements but are part of the day-to-day operations. As a result, multi-directional coordination and communication are stressed throughout the Offices and Divisions in OPEI.

! As part of the Office of the Administrator, OPEI provides services across all the Agency's Offices and Regions. Our functions are best carried out in a spirit of collaboration and partnership with both internal and external stakeholder groups. Every Office and Division is responsible for making appropriate connections to the organizations influencing our work as a whole and project by project. End products and outputs are designed to be useful to all parties concerned and to advance the mission of the Agency.

a. **ADMINISTRATIVE SUPPORT AND INNOVATIONS STAFF.** The Administrative Support and Innovations Staff performs the following functions:

! Serves as liaison between OES and the Associate Administrator, OPEI managers, and staff on management, human and material resources, and organizational issues.

! Provides expertise, guidance, analyses, and advice on management, human and material resources, and organizational issues to the Associate Administrator, to OPEI managers and to OPEI staff.

! Develops policies and guidance on administration and program management for implementation by OPEI's offices.

! Facilitates a process with Agency stakeholders to identify and promote new approaches to administrative management and customer-driven quality improvement initiatives.

! Represents the Associate Administrator and/or other OPEI staff and managers on interagency task forces and committees regarding OPEI policy and administrative and program management issues and responsibilities, especially with regard to administrative innovations.

! Working with the Office of Administration and Resources Management, manages the extramural requirements of OPEI including the placement and administration of contracts as well as oversight of grants, cooperative agreements, and IAGs.

! Oversees development of strategic plans, budget requests and resource justifications to meet OPEI's environmental mission.

b. **REGULATORY MANAGEMENT STAFF.** The Regulatory Management Staff performs the following functions:

! Manages the Agency's regulation development and review process;

! Maintains liaison with the regulatory and information management offices within other Federal agencies, as well as with OMB for administration of Executive Order 12866;

! Serves as staff support to the Chair of the Regulatory Policy Council;

! Provides support to the Agency in administering the requirements of the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996; and

- ! Serves as staff to the Small Business Advocacy Chair in ensuring EPA's compliance with all aspects of SBREFA.

- c. **OFFICE OF ENVIRONMENTAL POLICY INNOVATION.** The Office of Environmental Policy Innovation takes the lead on moving environmental innovations from pilots to practice, i.e. from testing an idea to its integration into the Agency's programs, regulations, policies and procedures. It has centers of expertise in three key areas: 1) serving as a gateway for innovative ideas from sources outside or inside the Agency, analyzing these ideas for possible investment, and testing and piloting appropriate ones; 2) evaluating programs and projects to determine success; and 3) leading efforts to integrate successful innovations into Agency programs and functions and building partnerships with Federal and State agencies to foster adoption and implementation of new approaches.

The Director of the Office of Environmental Policy Innovation:

- ! Develops the Office's vision and strategic direction;
- ! Sets program policies, priorities, and procedures and ensures their implementation;
- ! Builds support within the Agency, and leads the resolution of program or project-related issues among senior managers in and outside the Agency;
- ! Fosters identification of new approaches to the way the Agency does business and ensures new approaches are designed and piloted;
- ! Directs evaluation activities to areas vital to program improvement and success;
- ! Promotes and integrates transferable results into Agency activities;
- ! Plans and oversees the Office's communications and outreach activities for internal and external audiences;
- ! Facilitates and supports the coordination and cooperation of innovative approaches across other OPEI offices and throughout the Agency; and
- ! Strengthens EPA senior management's capacity to support and promote innovation policy by planning, organizing, and convening quarterly Reinvention Action Council meetings and supporting Council workgroups and associated activities.

Background and Supplemental Information:

- ! The Divisions in this Office are organizations whose expertise is formally recognized and supported by the Agency. They are expected to be a resource for the Agency by developing general tools and methodologies, providing advice, participating on cross-Agency teams, or providing direct assistance.
- ! The centers utilize a team-based approach that draws heavily on appropriate staff expertise throughout the Agency. They also work extensively with the Agency's senior managers in Program and Regional Offices to ensure innovations receive the appropriate support. Externally, the team approach involves collaborating and negotiating with State officials, the Environmental Council of the States, business and industry partners, environmental groups, Congress, and other stakeholders.

- ! Governing statutes: The Government Performance and Results Act, Paperwork Reduction Act, as amended, Federal Managers Financial Integrity Act, Regulatory Flexibility Act, and all relevant Program statutes, like the Clean Water Act, the Resource Conservation and Recovery Act, Clean Air Act, etc.
- 1) **INNOVATIVE PILOTS DIVISION.** This Division is the Agency's center of expertise for testing cross-Agency innovative approaches to environmental and public health protection, with a particular focus on innovations that require flexibility in EPA regulations, policies, or procedures. The Division:
- ! Serves as a gateway for innovative ideas from business, states, and other stakeholders and from offices in EPA; it builds relationships and establishes formal mechanisms (such as agreements and Memoranda of Understanding) to foster the development and testing of innovative ideas.
 - ! Leads the implementation of innovative ideas by supporting, negotiating, and coordinating the development of experimental projects with project sponsors (such as facilities, sectors, states, and communities) and ensuring implementation of project agreements.
 - ! Develops the program's vision and strategic direction, policy, and guidance, and coordinates the management and resolution of issues across the Agency.
 - ! Communicates the concept of experimentation, its progress, successes and results to constituencies in and outside the Agency.
 - ! Helps identify, promote and integrate the results and lessons learned into the Agency's core functions.
 - ! Collaborates with States under EPA's Innovations Agreement with the Environmental Council of States to develop and implement innovative approaches that State agencies consider better for the environment and more efficient to implement.
 - ! Continues to experiment with new tools and approaches that are either refinements of existing approaches or may be entirely new, as the Agency gathers experience in implementing cross-Agency or flexibility-based innovative pilots.
 - ! Coordinates EPA's program on community-based environmental protection.
- 2) **EVALUATION SUPPORT DIVISION.** This center of expertise:
- ! Provides leadership in fostering EPA's use of program evaluation as a management tool for 1) assessing and improving the effectiveness of programs and pilot projects; and 2) identifying opportunities for integrating good practices and lessons learned into core programs.
 - ! Develops and refines performance measures and assists EPA Program Offices and Regional Offices in building capacity to conduct program evaluations; it provides training and technical support, participates in evaluation teams created by Program or Regional Offices, and, to the

extent resources are available, shares the cost of specific priority evaluation projects.

- ! Conducts a limited number of evaluations of innovative projects, or programs upon request, in collaboration with the Office of Planning, Analysis, and Accountability (OPAA) and EPA Program and Regional Offices;
- ! In collaboration with OPAA, provides a cross-Agency forum for exchanges of ideas and information about program evaluation to support capacity-building activities and to coordinate selection of evaluation topics within the Agency.

Background and Supplemental Information:

- ! Evaluation support is included as a function of the new Office in response to recommendations made by Program and Regional Office managers during the stakeholder involvement process.
- ! Under the Government Performance and Results Act (GPRA), Federal agencies are expected to conduct evaluations to assess program effectiveness and impacts, and thus provide an analytical basis for periodic changes to their Strategic Plans.
- ! EPA's Strategic Plan issued in September 1997 says that the Agency will, for some programs, conduct intensive program evaluations.

- 3) **POLICY AND PROGRAM CHANGE DIVISION.** This Division leads system changes in the Agency. Such change may take the form of specific, incremental changes within existing programs, more sweeping transformational changes to these programs, new cross-media approaches, or in some cases, fundamentally different ways of addressing environmental problems. Change may involve scaling up pilot projects, implementing new policy directions, or changing the Agency's culture and ways of doing business. The Division's functions are as follows:

- ! Builds working relationships with other Agency offices to promote and facilitate changes within media programs.
- ! Identifies functional areas where cross-agency reform is needed and takes steps to implement such reform.
- ! Builds partnerships State agencies to foster adoption and implementation of new approaches.
- ! Drives Agency efforts to enhance stakeholder involvement and build their capacity to participate in Agency decision-making processes;
- ! Monitors, analyzes, and coordinates development of Federal and State legislation on innovative practices and looks for opportunities in these legislative actions to both promote smart change and prevent problems.
- ! Provides advice and assistance to the Agency in developing mechanisms to support customer service programs under Executive Order 12862 and

integrates the concept of customer service into the culture and fabric of the Agency.

- d. **OFFICE OF BUSINESS AND COMMUNITY INNOVATION.** Under the supervision of a Director, the Office of Business and Community Innovation is responsible for building and fostering systems and approaches that promote improved environmental performance by business and industry. Its functions are as follows:

- ! Serves as the Agency lead for a cross media, sector-based approach to environmental protection.
- ! Promotes environmental practices to small business and assisting small business through legislation, education, and advocacy.
- ! Explores, analyzes, tests and promotes new policies and practices that recognize the dynamic nature of the available tools that measure and promote superior environmental performance.
- ! Collaborates with Agency Offices and Regions to integrate proven strategies into current practices and programs.

Functions performed by the Immediate Office are as follows:

- ! Conducts annual strategic planning for the Office, identifies customer service needs, sets goals and performance measures, and measures and reports on progress.
- ! Ensures that significant OBCI initiatives and programs are coordinated with related activities and functions throughout the OPEI and with internal and external partners and stakeholders, as appropriate.

Background and Supplemental Information:

- ! OBCI manages a blend of Office directed programs and cross-agency groups that promote new business strategies such as improved permitting systems. By its very nature, there is also considerable interaction with external national and international entities to ensure that the Office is functioning with the highest degree of insight on emerging issues and strategies.
 - ! This Office also takes the lead on ensuring that small business is considered in all aspects of Agency business and is the portal for small business concerns.
- 1) **SECTOR STRATEGIES DIVISION.** The Sector Strategies Division promotes a systematic and collaborative approach to sector-based environmental protection. Emphasis is placed on cross-Agency integration of innovative strategies to improve environmental performance of whole industrial sectors. The Division's functions are as follows:
- ! Identifies specific sectors where environmental performance improvements are indicated. Manages a sound process to explore all areas of potential technical, communication, regulatory, or educational needs in collaboration with multiple stakeholders impacted by the sector's betterment.
 - ! Develops sector-wide goals, strategic plans, and long-term "maintenance" programs, designed to institute long-term, multimedia

policy and program changes for selected industry sectors and, in some cases, for larger segments of industry.

- ! Assesses Agency impacts on sector performance. Facilitates internal dialogue and response to sector-wide, multimedia needs.
- ! Coordinates cross-Agency communication on sector-based approaches underway in multiple offices. Promotes sector-based activities where appropriate.
- ! Provide policy recommendations to and work with EPA programs and regions, states, localities, industry, and other stakeholder groups, based on sector-specific analyses and project experiences.
- ! Support the NACEPT Standing Committee on Sectors and implement actions as a result of its deliberations.

- 2) **DEVELOPMENT, COMMUNITY, AND ENVIRONMENT DIVISION.** Under the direction of a Director, The Development, Community and Environment Division (DCED) seeks positive change for the environment by inducing, educating and informing the people and sectors that influence growth and development. To achieve its goals DCED:

- ! Develops innovative uses of the Agency's policies and programs to improve environmental quality through better development in communities working with Agency programs such as brownfields and Superfund.
- ! Collaborates with EPA program and regional offices, state, local and regional governments to promote the understanding of the environmental implications of development decisions.
- ! Manages and maintains the Smart Growth Network--a coalition of private sector, public sector and NGO partners seeking to inform and educate communities and professionals across the country about development choices and their impacts.
- ! Administers and supports the Sustainable Development Challenge Grant program.
- ! Connects EPA to other federal entities with regard to issues that impact the environment through their decisions affecting development.
- ! Creates analytical and other tools and coordinates an Agency tool kit to assist local governments in understanding the environmental implications of development decisions.

- 3) **SMALL BUSINESS DIVISION.** Led by a Division Director, The Small Business Division provides support and assistance to small businesses, and represents their needs in all Agency practices. The Division provides networks, resources, tools, and forums for education and advocacy on behalf of small business. The functions of the Division are:

- ! Advocates for appropriate Small Business outreach and accommodation in EPA rulemaking. Identifies and evaluates small business environmental regulatory compliance problems; recommends appropriate actions to improve the Agency's regulatory policies or practices as related to small businesses
- ! Provides small business with information, advice, and assistance
- ! Oversees and monitors the development and implementation of the three components of state and territorial Small Business Programs: State Small Business Ombudsmen, State Technical Assistance Programs, and State Compliance Advisory Panels.

4) **PERFORMANCE INCENTIVES DIVISION.** The Performance Incentives Division explores innovative and emerging systems that impact environmental management and maximizes environmental improvements of business and industry practices. The Division also examines current EPA practices that limit environmental performance improvement. The functions of the Division are:

- ! Tests and implements alternative environmental management strategies and cutting-edge policies that recognize and encourage the trend toward more responsible environmental performance.
- ! Designs methods and techniques for measuring environmental progress.
- ! Builds partnerships with EPA program offices, regional offices, state and local agencies, regulated entities, academic institutions and citizen groups, so as to ensure adoption and implementation of new approaches.
- ! Examines the results obtained through new environmental management strategies such as environmental management systems. Proposes Agency policy for integration or acceptance of proven strategies.
- ! Applies innovative solutions to traditional Agency processes, such as permitting, to improve results, streamline systems, and increase effectiveness.
- ! Provides analytical and research support for new approaches to acknowledging superior environmental performance among the regulated and non-regulated industry and business. Engages internal stakeholders in dialogue and decision-making to inform Agency policy development.
- ! Leads the cross-Agency Partnership Program Coordinating Committee and advocates on behalf of all programs that successfully use partnerships as a way of expanding environmental performance. Assists partnership programs in both measuring and increasing program performance and environmental results.

e. **NATIONAL CENTER FOR ENVIRONMENTAL ECONOMICS.** The National Center for Environmental Economics, under the supervision of a Director, provides economic and environmental expertise, leadership, analysis, and support to Agency activities. Specifically, the Center performs the following functions:

- ! Provides expert economic analysis and data management support for EPA and other environmental partners, stakeholders, and customers.
- ! Develops and maintains, for public access, official Agency economic work products.
- ! Provides a focal point for Agency economic policy, economic research methods and needs, specialized economic analytical procedures and training in the application of economics.
- ! Undertakes leading economic studies for use by EPA program offices, regions, and other government environmental management institutions.
- ! Coordinates peer review of EPA-funded economic work products and manage production of publications for applied environmental economic studies.
- ! Analyzes cross-cutting issues and legislative proposals for the Associate Administrator, OPEI.
- ! Catalyzes changes in policy and behavior by providing decision makers with technically sound, proficient, economic and policy analysis.
- ! Implements innovative programs and strategies, placing special focus on cross-sectoral, intergenerational, and international issues.
- ! Fosters collaborative working relationships with other EPA program offices in an effort to maximize their capabilities relative to performing scientifically sound economic analysis.
- ! Addresses emerging economic and environmental issues.
- ! Supports analysis to assess the potential implications of implementation programs and policies outlined in trade agreements and other international-setting activities.

1) **BENEFITS ASSESSMENT AND METHODS DEVELOPMENT DIVISION.** The Benefits Assessment and Methods Development Division supports the development of improved tools, data, and analyses that describe the economic benefits of the Agency's programs and policies. The Division:

- ! Enhances the Agency's ability to use economic information to communicate the outcomes attributable to existing and proposed, future environmental rules, regulations and policies.
- ! Conducts original studies on benefits and costs assessment methods, often in collaboration with other Agency offices and research institutions.
- ! Coordinates similar studies and research with other federal/state/local government agencies and institutions having mutual responsibilities to describe the economic benefits of environmental programs and policies.
- ! Develops methods and models to assess the macroeconomic impacts of EPA's regulatory and non-regulatory programs in both the domestic and international context. Produces analyses on the implications of environmental policy for industrial competitiveness, trade, employment, productivity, and other measures of economic performance.

- ! Conducts in-depth analyses of economic and policy issues relating to economic benefits, costs and impact of EPA regulatory programs, policies and guidance. Working through the Agency's Regulatory Policy Council and the Economic Consistency Workgroup, and the Science Advisory Board's Environmental Economics Advisory Committee (see below), the Division develops guidance materials to inform Agency regulatory analysis managers on economic valuation methods, information resources and incentive based programs.

Background and Supplemental Information:

- ! Governing statutes, orders and directives: BAMDD seeks to accomplish the economic objectives and fulfill requirements contained in environmental legislation and Executive Orders, including the following: Executive Order 12866 (Regulatory Planning and Review), the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA), the Unfunded Mandates Reform Act of 1995, Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks), Executive Order 13132 (Federalism), OMB Circular A-94 (Discount Rates to be Used in Evaluating Time-Distributed Costs and Benefits), Executive Order 12975 (Protection of Human Research Subjects), and Executive Order 12898 (Environmental Justice).
- ! The Agency's Regulatory Policy Council (RPC) is the senior leadership body responsible for overseeing the Agency's regulatory development process and ensuring that the process conforms with Administration policy and addresses cross-cutting analytical issues. The RPC also monitors the system to identify and implement any needed changes. The Council is headed by the Deputy Administrator, and is made up of Deputy Assistant Administrators throughout the Agency.
- ! The Agency's Economic Consistency Workgroup is responsible for coordinating and reviewing cross-cutting economic issues, including Agency guidance materials for conducting economic analyses. The workgroup is made up of economists and analysts from offices throughout the Agency.
- ! The Environmental Economics Advisory Committee (EEAC) is a subcommittee of the Agency's Science Advisory Board (SAB). The EEAC is comprised of a distinguished group of top environmental economists who are recognized experts in their field. The EEAC is responsible for providing expert advice to the Administrator and other Agency officials in its capacity as a review board of important Agency economic work products, including materials used to guide the Agency's economic research and analytic agendas.

- 2) **RESEARCH AND PROGRAM SUPPORT DIVISION.** The Research & Program Support Division is responsible for identifying and addressing the EPA's economic research needs and for providing technical assistance in the assessment of economic benefits, costs, and impacts of Agency programs and policies. The Division:

- ! Performs original, innovative economic research to improve the measurement of the economic efficiency and distributional impacts of Agency programs and policies.
- ! Provides expertise and technical assistance to Agency offices preparing economic analyses for their programs and policies. Collaborates with program offices and regions in order to analyze benefits, costs, and impacts of EPA regulatory programs.
- ! Undertakes collaborative research with the academic community and other agencies and institutions developing economic research and analyses applied to the environment, in order to further support use of sound scientific economic analyses in the Agency.
- ! Develops and disseminates economic models and tools used to quantify how environmental quality is affected by the economic choices made by consumers, industries, and government.
- ! Conducts in-depth analyses of economic and policy issues relating to economic benefits, costs, and impacts of EPA regulatory programs, policies, and guidance. Develops guidance materials to inform Agency analysts on economic valuation methods and other analytic issues in the conduct of cost benefit analysis, working through the Agency's Regulatory Policy Council and Economic Consistency Workgroup, and the Science Advisory Board's Environmental Economics Advisory Committee (see below).

Background and Supplemental Information

- ! Governing statutes, orders and directives: RPSD seeks to accomplish the economic objectives and fulfill requirements contained in environmental legislation and Executive Orders, including the following: Executive Order 12866 (Regulatory Planning and Review), the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA), the Unfunded Mandates Reform Act of 1995, Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks), Executive Order 13132 (Federalism), OMB Circular A-94 (Discount Rates to be Used in Evaluating Time-Distributed Costs and Benefits), Executive Order 12975 (Protection of Human Research Subjects), Executive Order 12898 (Environmental Justice).
- ! The Agency's Regulatory Policy Council (RPC) is the senior leadership body responsible for overseeing the Agency's regulatory development process and ensuring that the process conforms with Administration policy and addresses cross-cutting analytical issues. The RPC also monitors the system to identify and implement any needed changes. The Council is headed by the Deputy Administrator, and is made up of Deputy Assistant Administrators throughout the Agency.
- ! The Agency's Economic Consistency Workgroup is responsible for coordinating and reviewing cross-cutting economic issues, including Agency guidance materials for conducting economic analyses. The workgroup is made up of economists and analysts from offices throughout the Agency.

- ! The Environmental Economics Advisory Committee (EEAC) is a subcommittee of the Agency's Science Advisory Board (SAB). The EEAC is comprised of a distinguished group of top environmental economists who are recognized experts in their field. The EEAC is responsible for providing expert advice to the Administrator and other Agency officials in its capacity as a review board of important Agency economic work products, including materials used to guide the Agency's economic research and analytic agendas.

- 3) **INNOVATION AND EMERGING CHALLENGES DIVISION.** The Innovation and Emerging Challenges Division (IECD) is responsible for providing economics, technical, and policy support to the Agency in addressing emerging environmental challenges and in evaluating innovation in providing environmental protection. IECD performs the following functions:

- ! Supports the development and use of innovative policies and mechanisms for environmental protection, including:
 - market-based mechanisms;
 - partnership programs;
 - access to information; and
 - integrated and sectoral strategies;
- ! Provides analysis to address emerging economic and environmental issues facing the Agency, including:
 - climate change;
 - trans-boundary air pollution;
 - the role of technological change;
 - economic development and the environment;
 - international trade and capital formation;
 - environmental performance and asset valuation.
- ! Incorporates multiple environmental benefits into economic analysis, examining inter-generational environmental equity issues, assessing public health and the environment, and evaluating natural resource and energy supply.
- ! Supports EPA's involvement in major policy initiatives that affect the environment, natural resources, and energy supply, including:
 - natural resource (including agriculture and forestry) policies and legislation;
 - utility deregulation,
 - transportation policy, and
 - renewable energy development including biomass energy;
- ! Develops and applies state of the art analytic and modeling tools to assess global and regional economic activity and environmental quality, including assessing air quality, water quality, climate change, energy supply, and land use.
- ! Coordinates the technical support and assistance to the National Program Manager for Climate Change provided by the Office of Environmental Policy, Economics and Innovation . For example, this division will support the Climate Change NPM by:

- providing economic support in the area of climate change and developing countries;
- building and using state of the art analytic tools;
- integrating basic economic research (for example work on the tax interaction effect) into the assessment of climate change policy;
- assessing economics of energy and natural resource supply;
- evaluating innovative policies, measures, mechanisms, and practices for reducing concentrations of greenhouse gases in the atmosphere.

AUTHORITY DELEGATED FROM THE ADMINISTRATOR...
Does not Include Internal Delegations of Authority

[NOTE: A delegation may be delegated to more than one senior official in the Agency; therefore, you may find that a certain delegation appears under more than one office.]

TO THE CHIEF INFORMATION OFFICER (ASSISTANT ADMINISTRATOR FOR THE OFFICE OF ENVIRONMENTAL INFORMATION) ...

Chapter 1 - GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS

- 1-6-A Security
- 1-7 Personnel Actions
- 1-8 Schedule C, Administrative Determined, Senior Level Scientific and Professional, Administrative Law Judge, and SES Personnel Actions
- 1-17-A Domestic Travel
- 1-17-B International Travel
- 1-20 Annual Leave Forfeiture
- 1-21 Federal Register
- 1-30 Freedom of Information
- 1-41 Mandatory Quality Assurance Program
- 1-45 Intergovernmental Review Provisions of Executive Order 12372 and 40 CFR Part 29
- 1-47 Grants and Cooperative Agreements for Economic, Social Science, Statistical, and Other Research, Development, Studies, Surveys, Demonstration, Investigations, Public Education Programs, Training, and Fellowships
- 1-48 Request for Information from Other Federal Agencies
- 1-49 Assertion of the Deliberative Process Privilege; may not be redelegated
- 1-51 Receptions and Refreshments to Recognize Award Recipients
- 1-55 FTTA Cooperative Agreements and Licensing Agreements; may not be redelegated
- 1-60 Pollution Prevention Grants and Agreements
- 1-61 Information System and Data Management Grants and Cooperative Agreements
- 1-81 EarthVision Computational Science Grants and Cooperative Agreements
- 1-84 Information Resources Management
- 1-86 Survey, Demonstration, Training, and Research Grants and Cooperative Agreements Related to Environmental Equity Activities
- 1-87 Implementing Arrangements under International Environmental Agreements and Memoranda of Understanding
- 1-93 Voluntary Separation Incentive (Buyout) Program
- 1-97 Admission of State, Local, and Tribal Government Employees to Agency Training and Waiver of Reimbursement of Costs of Training

Chapter 12 - TOXIC SUBSTANCE CONTROL ACT

- 12-23 TRI Data Capabilities Program: Assistance to States
- 12-24 TRI Data Capabilities Program: Assistance to Indian Tribes
- 12-28 Emergency Planning and Community Right-to-Know Enforcement Programs: Assistance to States and Indian Tribes

Chapter 22 - EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

- 22-5 Receipt of Petition to List/Delist Chemicals and Response Petitions
- 22-6 Receipt of Toxic Chemical Release Forms and National Toxic Chemical Inventory
- 22-7 Trade Secrets

Chapter 29 - OIL POLLUTION ACT

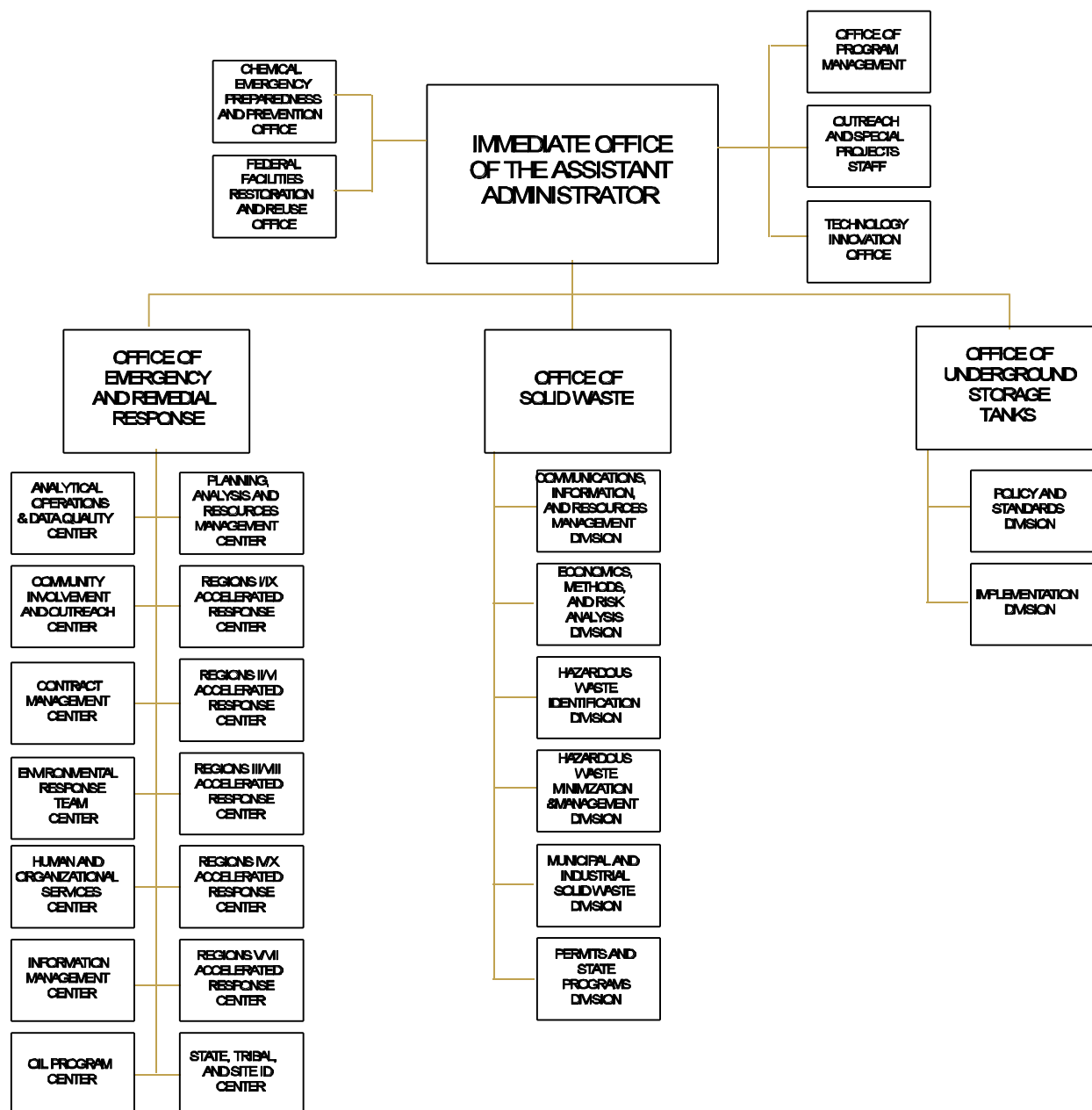
- 29-1 Grants and Cooperative Agreements in Support of the Oil Pollution Research and Development Program

Chapter 34 - ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1980

- 34-1 Reimbursement for Use of Research and/or Test Facilities

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE (OSWER)

OSWER ORGANIZATIONAL CHART



OSWER FUNCTIONAL STATEMENT

1. **IMMEDIATE OFFICE OF THE ASSISTANT ADMINISTRATOR.** The Office of the Assistant Administrator for Solid Waste and Emergency Response provides Agencywide policy, guidance, and direction for the Agency's solid waste and emergency response programs. In addition to managing those programs, the Assistant Administrator serves as principal advisor to the Administrator in matters pertaining to them. The Assistant Administrator's responsibilities include program policy development and evaluation; development of appropriate hazardous waste standards and regulations; program policy guidance and overview, technical support, and evaluation of Regional solid waste and emergency response activities; and development of programs for technical and programmatic assistance to States and local governments. The Office is also responsible for development of guidelines and standards for the land disposal of hazardous wastes and for underground storage tanks; analyses on implementation of a program to respond to uncontrolled hazardous waste sites and spills (including oil spills); long-term strategic planning and special studies; economic and long-term environmental analysis; economic impact assessment of RCRA and CERCLA regulations; analyses of alternative technologies and trends; science issues; international hazardous and solid waste issue coordination; environmental justice issues as they relate to OSWER programs; and RCRA and CERCLA Ombudsman responsibilities and cost-benefit analyses and development of OSWER environmental criteria. In addition, the office is responsible for providing technical support for federal facilities on remedial decisions and program and technical guidance, maintaining and ongoing dialogue on this topic between Federal agencies and external groups, and managing the remedial oversight contracts (ROC). The office is also responsible for coordinating with the Department of Defense on base closure environmental issues.
 - a. **CHEMICAL EMERGENCY PREPAREDNESS AND PREVENTION OFFICE.** Chemical Emergency Preparedness and Prevention Office (CEPPO), under the supervision of a Director, reports directly to the Assistant Administrator for Solid Waste and Emergency Response and is responsible for the following functions: Developing, managing and implementing Agency-wide chemical emergency preparedness and prevention (CEPP) programs. Preparing CEPP and community right-to-know regulations, guidance materials, technical assistance, training and other activities as authorized by CERCLA, SARA, and the Emergency Planning and Community Right-to-Know Act (Title III of SARA) and the Clean Air Act Amendments, Section 112(r). Serving EPA, internally and externally, as the Agency Emergency Coordinator. Chairing the National Response Team (NRT) and providing the Secretariat for, and policy and administrative support to, the NRT and the 13 Regional Response Teams (RRT). Coordinating NRT/RRT activities throughout the Agency. Managing the National Incident Coordination Team (NICT) process and providing the NICT Chair for incidents involving several program offices or international environmental emergencies. The NICT consists of representatives from each Assistant Administrator, including OSWER representatives from OERR and OSW, and is available to all program offices for use during emergencies for which they are the Agency lead. Managing the Agency Headquarters Emergency Operations Center (EOC) and providing its assets to all program offices during emergencies. Providing lead office coordination for the Agency under the Federal Response Plan (FRP), the Federal chemical/biological counter-terrorism planning and response coordination efforts and the National Security Emergency Preparedness (NSEP) program. Identifying hazardous substance release prevention issues, making recommendations to the Administrator on Agency approaches and programs, and coordinating Agency prevention activities. Coordinating interagency programs to review effectiveness of technical and operational prevention methods. Developing regulations or establishing other appropriate mechanisms to obtain and manage information on accidental releases. Managing internal Agency workgroups to develop options and implement decisions. Under the guidance of the Office of International Activities, coordinating Agency activities dealing with CEPP programs and response to environmental emergencies in other nations in order to enhance the U.S. program and to share our information and expertise with other countries. Representing the United States and EPA with international organizations and other nations on a variety of prevention, preparedness, and response issues related to technological disasters. Conducting program analyses as necessary to examine the effectiveness of implementation approaches related to preparedness and prevention, community right-to-know issues, and other aspects of the program. Coordinating CEPP activities with other Agency offices and the Regions, other Federal agencies, States, local governments, industry, labor unions, public interest groups, and academia. Developing a comprehensive

technical assistance and training program to provide support to Regional offices, States, and local governments in CEPP areas of responsibilities. Developing related policy and guidance and conducting related projects, studies, and analyses that these programs require. Working with the Chemical Safety Board, OSHA, and other government agencies in conducting investigations of chemical accidents and taking action on recommendations to improve chemical safety.

- b. **FEDERAL FACILITIES RESTORATION AND REUSE OFFICE.** The Federal Facilities Restoration and Reuse Office, under the supervision of a Director, reports to the Deputy Assistant Administrator for Solid Waste and Emergency Response and works with Department of Defense (DOD), Department of Energy (DOE), and other Federal departments and agencies to help them develop creative, cost-effective solutions to their environmental problems. FFRRO's overall mission is to facilitate faster, more effective, and less costly cleanup and reuse of federal facilities. The major goals of FFRRO are protect human health and the environment at and near federal facilities, while also minimizing the expenditure of taxpayer dollars; rebuild local communities while protecting human health and the environment; enhance the cleanup process; and ensure effective stakeholder involvement at federal facilities by putting citizens first. In support of these goals, FFRRO is responsible for activities that support policy development and implementation, outreach and training, stakeholder participation, and interagency coordination.

Active participation in the development and implementation of policy and guidance that affect cleanup and reuse at federal facilities is a commitment of FFRRO. Particular emphasis is placed on policy development and implementation and resource management for the Fast Track Cleanup Program at closing and realigning military bases. To ensure that policies are implemented consistently throughout the nation, FFRRO communicates regularly with staff from the EPA Regions. This coordinated effort allows the quick identification and resolution of implementation issues.

Outreach efforts by FFRRO include the dissemination of information through the production of publications. FFRRO produces brochures, success stories, and fact sheets on issues such as partnering, stakeholder involvement, innovative technology use, and environmental justice at federal facilities. In addition, FFRRO provides support for training courses that enhance the knowledge and capabilities of federal and state staff tasked with implementing the cleanup program.

The Federal Facilities Environmental Restoration Dialogue Committee's (FFERDC) final report outlines fourteen consensus recommendations aimed at improving the process for making cleanup decisions at federal facilities. Because public and local government stakeholders have not been adequately involved in the cleanup decision-making process and priority setting processes, FFRRO focuses on ways to facilitate their meaningful involvement. FFRRO accomplishes this through grants and cooperative agreements with environmental groups, tribes, environmental justice groups, and others. Also, FFRRO works closely with the other EPA offices and Federal agencies, especially DOD and DOE. These partnerships facilitate faster, more effective, or less costly cleanups.

- c. **OUTREACH AND SPECIAL PROJECTS STAFF.** The Outreach/Special Projects Staff, under the supervision of a Director, reports to the Deputy Assistant Administrator for Solid Waste and Emergency Response and is responsible for communicating with various stakeholders on OSWER's mission and assisting those stakeholders in understanding and accessing information relative to OSWER programs and their impacts. This staff further serves as a resource to communities affected by OSWER programs and is assigned responsibility for developing and implementing special projects that address various economic and social issues at nationally significant sites, i.e., environmental justice, Brownfields, economic redevelopment initiative pilots, and job training projects. Staff serves as a liaison with other EPA offices, including the Office of Enforcement and Compliance Assurance and the Office of Communications, Education, and Public Affairs, on nationally significant sites and other outreach and special projects. The staff provides liaison to communities and well as to State, local and tribal governments, particularly in their need for information relating to OSWER programs. The staff further serves as a point of liaison with EPA Regional offices as a logical link to their State/local/tribal constituents.

In addition, this staff is responsible for effectively communicating significant OSWER activities and highly sensitive programmatic issues and policies to the public, Congress, and the media. This staff serves as the primary contact for all OSWER communication activities, in cooperation with the Office of the Administrator, Regional offices, the Office of Communications, Education, and Media Relations, the Office of Congressional and Intergovernmental Relations, and the Office of Regional Operations.

- d. **OFFICE OF PROGRAM MANAGEMENT.** The Office of Program Management, under the supervision of a Director, reports to the Deputy Assistant Administrator for Solid Waste and Emergency Response and is responsible for OSWER-wide program administration in the following areas: long-term strategic planning and analyses crossing program and media lines; information management; specialized task forces; policy development and related review functions; regulatory management; budget; contracts management; human resources management; and administrative/program management policy and guidance.
- 1) **INFORMATION MANAGEMENT AND DATA QUALITY STAFF.** The Information Management and Data Quality Staff, under the supervision of a Director, reports to the Director, Office of Program Management and is responsible for developing information management policy for OSWER; providing direction, guidance, training, and coordination of information management activities to program offices; serving as OSWER focal oversight of all system development, project management guidance, and configuration (hardware and software) projects within orders and all requests for software/hardware purchases; ensuring integration of short- range and long-range plans with OSWER's and OIRM's planning, budgeting, and management process; and serving as focal point for addressing internal data quality management issues.
 - 2) **ORGANIZATIONAL MANAGEMENT AND INTEGRITY STAFF.** The Organizational Management and Integrity Staff, under the supervision of a Director, reports directly to the Director, Office of Program Management and has leadership and policy-making responsibility, OSWER-wide, for all issues relating to financial integrity, fraud prevention, audit-coordination and follow-up, organizational and management improvement, human resources management, and affirmative action. As such, the staff has responsibility for OSWER compliance with the Federal Manager's Financial Integrity Act, conflict of interest, ethics issues, the OSWER directives system, Freedom of Information Act compliance and coordination, task and correspondence management OSWER-wide, striped border reviews, labor relations, reward and motivation systems, employee development, grievances, employee discipline, compensation, recruitment, retention, hours of work issues, workspace accommodation issues, and all employee-related matters. The staff represents OSWER in several capacities, including liaison with historically Black Colleges and Universities and representation to the Inspector General's Committee on Integrity and Management Improvement.
 - 3) **POLICY ANALYSIS AND REGULATORY MANAGEMENT STAFF.** The Policy Analysis and Regulatory Management Staff (PARMS), under the supervision of a Director, reports directly to the Director, Office of Program Management and is the principal source of advice for regulatory management, policy evaluation and development, policy development, coordination of cross medial initiatives and related review functions. The regulatory management function includes providing assistance in the development and review of OSWER and other EPA offices regulatory packages, assuring compliance with relevant procedures and Executive Orders, assisting the AA in the management and tracking of regulations and preparation of required planning and status reports. Staff serves as the liaison with OMB, negotiating the applicability of review requirements and securing clearances as necessary for OSWER's regulations and policies. Serves as AA's representative to Agency-wide regulatory management committees and point of liaison with other offices on policy and regulatory matters. This staff reviews and provides

recommendations on OSWER, EPA-wide, and outside groups' regulatory or policy proposals. PARMS serves on task forces and other Agency groups to represent OSWER interests on regulatory and policy issues.

- 4) **ACQUISITION AND RESOURCE MANAGEMENT STAFF.** This staff, under the supervision of a Director, reports to the Director, Office of Program Management and is responsible for OSWER-wide program administration in the following areas: manages and ensures compliance with OSWER's operating guidance and long-term strategic plan; conducts analyses crossing program and media lines on strategic planning issues; develops program strategy and strategic plans, specialized task forces; development and update of the "Hazardous Waste Plan"; and formulation and execution of the OSWER-budget and budget submittal to the Administrator and-outside government entities. In addition, this staff is responsible for reviewing the Agency-wide administration of OSWER programs in the following areas: providing support to OSWER's Senior Resource Official on contracts, grants, and cooperative agreements; overseeing contract management and placement activities across OSWER; overseeing the implementation of contracts management improvements made by GAO, OIG, and various task forces; ensuring better value for contract dollars, including interagency agreements and cooperative agreements; overseeing the implementation of Superfund Long-Term Contracts Strategies; assuring appropriate contacts management training for all OSWER managers and staff; providing support to the Regions in managing their contracts, grants, and cooperative agreements; evaluating and implementing streamlining proposals on procurement and grant issues generated from inside and outside the Agency; coordinating OSWER and Regional waste program activities with the Office of Acquisition Management and the Office of Grants and Debarment; and conducting outreach to the other Federal agencies (DOE, DOD, OMB), Congress, GAO, and other members of the grants and contracting community.
 - e. **TECHNOLOGY INNOVATION OFFICE.** The Technology Innovation Office (TIO), under the supervision of a Director, reports directly to the Assistant Administrator for Solid Waste and Emergency Response and is responsible for the following functions: develops, manages, and implements a program of innovative technology advocacy, education and information for EPA staff and outside stakeholders including contractors, responsible parties, and Federal agencies; publishes and distributes technical monographs, briefs and bulletins; uses existing electronic systems such as the OSWER's Internet homepage and the TIO CLU-IN (clean-up information) homepage for information dissemination on technologies to inform the Regions, States, other Federal agencies; manages Superfund and RCRA Corrective Action contractors; examines the need for and develop as necessary new systems for electronic communication; address the training needs associated with electronic systems; initiates and jointly sponsors conferences, workshops and forums to promote knowledge of innovative and emerging technologies developed in the U.S. and abroad, coordinating with the Office of international Activities on international aspects of these activities; participates in EPA regulatory development workgroups to identify impediments to selection of innovative technologies for remediation, removals and corrective action; pursues constructive approaches to removing institutional impediments to selection of such innovative technologies; regularly convenes the Federal Remediation Technologies Roundtable comprised of Federal agencies who demonstrate and develop remediation and corrective action technologies to assure timely exchange of cost performance and related technical information on site remediation and corrective action.
- TIO also coordinates the OSWER Technology Support Centers on Groundwater, Monitoring, Engineering, Modeling and Health Risk to provide immediate technical assistance to Regional Superfund staff; sponsors workshops in selective technical issues of special importance to the regions; follows up technical briefs to document information developed in the workshops; coordinates the operation of the Groundwater and Engineering Forums; conducts OSWER program office support, training needs assessments; develops new courses; and delivers and evaluates training for Headquarters and Regional staff. In addition, TIO manages the On Scene Coordinator/Remedial Project Manager Support Program; manages contracts to provide a

necessary infrastructure for the activities of the office; develops related policy and guidance; and conducts related projects, studies, and analyses that these programs require.

2. **OFFICE OF EMERGENCY AND REMEDIAL RESPONSE.** The Office of Emergency and Remedial Response (OERR) is responsible for administering EPA's national environmental emergency response program for oil and hazardous materials spills and mitigating hazardous waste sites. The immediate Office of the Director is responsible for overall management of the fourteen Centers of Expertise within OERR. This includes interacting with Congress, Regional offices, foreign dignitaries and other senior management at other Federal Agencies on behalf of the Administrator of EPA.

The Immediate Office of the Director is the principal point of contact with the Assistant Administrator (OSWER) on major policy initiatives and regulatory actions. The Director and two Deputy Directors manage the activities of the fourteen centers at the broad, national policy level, delegating day-to-day operations and decision making to the Center Directors and team leaders as appropriate. The Director and Deputy Directors lead the OERR Senior Management Team when necessary. The Senior Process Managers are assigned to the Immediate Office, as well as a Senior Environmental Leader with responsibility for coordinating Superfund Reform activities throughout OERR.

Additionally, OERR is responsible for all OSWER lead coordination for domestic oil and hazardous substance emergency incidents including nationally significant and natural disaster related events. This responsibility includes the Office Director or Senior Process Manager for Emergency Response serving as Chair of the National Incident Coordination Team (NICT). The NICT is a Headquarters resources, support and information management.

- a. **ANALYTICAL OPERATIONS AND DATA QUALITY CENTER.** The Analytical Operations and Data Quality Center provides laboratory analyses to the Regions through the national Contract Laboratory Program divisions, other EPA and Federal offices, and States. The Center Director reports to the OERR Immediate Office. The general activities include the analysis of over 40,000 samples per year through the CLP, providing quality assurance oversight of analytical data generation activities, managing the Regional analytical budget, and streamlining analytical activities through automation. The group will oversee the operations of the laboratory contracts, manage the CLP Analytical Services Support (CLASS) administrative contract for supporting the CLP, and manage interagency agreements with General Services Administration to develop software products that allow for cost-effective and timely data assessment. Oversight of laboratory contracts includes addressing laboratory funding and sample analysis capacity issues. Automation projects include the CLP Analytical Results Database and the Computer-Assisted Data Review and Evaluation System, and management of the CLASS mainframe systems. The Center will oversee the operations of laboratories performing under CLP contracts, and develop new laboratory protocols for use in the CLP. The Center will determine regional need for new services, and coordinate with the Office of Solid Waste in developing new laboratory protocols. The Center will be responsible for conducting data quality activities for the CLP. The Center will manage the Quality Assurance Technical Support contract, conduct periodic evaluations of quality assurance activities for data generation and make recommendations for improvements, and coordinate data integrity checks on laboratories. The Center will provide oversight on the invoice calculation procedures, process laboratory invoices, provide cost recovery support to the Regions, and provide oversight on CLP contract compliance screening activities.
- b. **COMMUNITY INVOLVEMENT AND OUTREACH CENTER.** The Community Involvement and Outreach Center has lead responsibility for developing policy and guidance related to community participation in the Superfund process and for educating and informing Superfund stakeholders about the Superfund program, its accomplishments and significant new directions for the future. The Center Director reports to the OERR Immediate Office.

This Center is the focal point for national direction for implementing the statutory and regulatory requirements to ensure that active community involvement is a part of all Superfund response activities. The Center coordinates with the Regional offices' community involvement initiatives, provides enhancements to the Technical Assistance Grants (TAGs), and improves the information repositories, among other activities.

This Center is the focal point for OERR on outreach to all of EPA's external customers. It develops original materials and serves as advisors to other Centers and Teams as they develop outreach and communications materials. This Center utilizes unique expertise in communications and media relations to provide strategic analysis and practical advice as well as training for OERR technical staff, regional personnel and senior management on crisis management, communications and outreach issues. Staff within this Center has the lead responsibility for Superfund media relations and coordination with the OSWER AA's Office of Outreach and Special Projects and the Agency's Office of Communications, Education and Media Relations.

This Center is the focal point within OERR for environmental justice, leading the implementation of OERR's environmental justice strategy and coordinating the diverse environmental justice activities occurring throughout the various Center of Expertise.

- c. **CONTRACT MANAGEMENT CENTER.** The Contract Management Center provides leadership for the management of OERR's headquarters support contracts, as well as planning, oversight and support for all Regionally delegated and Regional support contracts (e.g., ARCS, RACs, START, ERCS, and ESAT). Contract Center staff work closely with staff from OERR centers to coordinate cross-organizational contracts issues and support Regional needs. The Center Director reports to the OERR Immediate Office.

This Center coordinates contracting activities with OERR's work assignment managers, assists in the development and execution of work assignments, monitors contract resources, updates and implements new contracts guidance and procedures, interacts with the contractor's program management representatives on all areas impacting the success of the contracts, leads contracting training workshops, responds to Office of Acquisition Management (OAM) initiatives in the form of Procurement Policy Notices, Environmental Protection Agency Acquisition Regulations (EPAAR), changes, etc., leads new contract award efforts (including planning and estimating the hour ceiling and dollar amount of the acquisition, writing the new Statement of Work and accompanying documents, organizing and chairing the Technical Evaluation Panel, authoring the final award report, monitoring the milestone schedule for award), and serves on committees and panels that involve EPA contracting. This Center provides expert assistance to other Centers with lead contact management responsibilities (e.g., Analytical Operations Center).

The Center also provides expert national assistance and guidance on contracts acquisition and management issues, participates in focused assessments in the Regions to promote excellence in contracts management, and coordinates contracting activities in association with the Acquisition Staff in the OSWER Immediate Office, Regional project and contracting officers, and contracting officers in the Office of Acquisition Management (OAM). The Center serves as the OERR focal point for the development, implementation, and evaluation of the Superfund long-term contracting strategy.

- d. **ENVIRONMENTAL RESPONSE TEAM CENTER.** The Environmental Response Team Center (ERTC) provides the EPA Regional and Headquarters Office, U.S. Coast Guard, District Office, other local, State and Federal Agencies and foreign governments technical assistance in responding to environmental emergencies such as spills of oil and hazardous materials and in assessing and cleaning up hazardous waste sites. Mandated as one of the Special Forces under the National Contingency Plan (NCP), the ERT functions in an advisory capacity to On-Scene Coordinators (OSCs), Remedial Project Managers (RPMs), Site Assessment Managers (SAMS), USCG OSCs, and other Federal, State, and local officials concerned with spills and hazardous waste sites, serving as in-house consultants on Superfund issues. The Center Director reports to the OERR Immediate Office.

The ERT is utilized in recommending remedial actions for immediate and long-term activities at oil spill sites and for designing and implementing plans for monitoring air, water and sensitive habitats. The ERT is designated in the NCP to supply scientific support coordination to the U.S. EPA OSC for inland oil spills. The ERT maintains an around-the-clock emergency response activation system, assists the Regional and program offices in responding to environmental emergencies and uncontrolled oil and hazardous wastes sites, consults on water and air quality criteria, health and safety protocols, ecological risk assessment,

interpretation and evaluation of analytical data, and engineering and scientific studies, and develops and implements site-specific safety programs. The ERT also provides specialized equipment to meet specific site requirements for monitoring, analytical support, waste treatment, and containment and control, and develops technical manuals, policies and Standard Operating Procedures (SOPs) for specialized equipment, computer systems, and analytical processes. The ERT assists in the development of innovative technologies for use at environmental emergencies and uncontrolled hazardous waste sites and trains Federal, State and local government officials and private industry representatives in the latest oil and hazardous substance response technology. The ERT manages the OSWER Integrated Safety and Health Program.

- e. **HUMAN AND ORGANIZATIONAL SERVICES CENTER.** The Human and Organizational Services Center provides OERR-wide leadership for administrative systems and human resources support. Working with in the Center and through cross-organizational teams, the staff works closely with staff in the other OERR centers to accomplish their work. The Center Director reports to the OERR Immediate Office.

This Center is responsible for managing the OERR docket and directives systems, task and correspondence management, directing Freedom of Information Act compliance and coordination, coordinating striped border reviews, managing all human resource related matters (including labor relations, reward and motivation systems, employee development, processing and tracking personnel actions, etc.), coordinating OERR administrative services (space conference rooms, telephones, credit card purchases, property management, the OERR customer service desk, etc.), and overseeing EPA's Interagency Agreement with the National Technical Information Service to handle all publication, inventory and distribution of Superfund documents.

- f. **INFORMATION MANAGEMENT CENTER.** The Information Management Center provides leadership for information management, office automation, and program measurement functions throughout OERR. Working through cross-organizational teams, staff in this Center work closely with staff in the other OERR centers to accomplish their work. The Center Director reports to the OERR Immediate Office.

The Center designs, implements and maintains the CERCLA information System (CERCLIS) and WASTELAN; oversees the Superfund Program's nationwide CERCLIS data quality efforts; in concert with program offices, designs, develops and supports Headquarters and Regional databases and systems such as RP2M, 3DB, RELA1, CLP-CARD, SNAP, RADS, Oil Facility Inventory Systems, etc.; collects and makes available general information relating to Superfund sites such as financial, demographic and geographic information; manages OERR's ADP budget and information management activities; applies OIRM and OSWER guidance (life cycle management, etc.) to Superfund information systems development and management; and performs inherently governmental computer security tasks.

This Center manages the implementation of office automation systems and productivity tools for OERR, coordinates with the OSWER immediate office to promote office automation connectivity and exchange throughout OSWER, coordinates with regional information resource management office to implement and maintain office productivity and connectivity solutions throughout the Superfund program, provides training to OERR staff on office automation systems and tools, provides LAN administration and computer platform support for OERR systems, coordinates WIC training and PC maintenance, and provides leadership for implementing Agency ADP service initiative within OERR.

This Center identifies the available data the program needs to evaluate all aspects of the Superfund program, and prepares ad-hoc and annual quantitative reports (e.g., SCAP/STARS Reports, Senior Management Reports, Environmental Indicators Report , etc.) for the Administrator, Congress, GAO, and external and internal Superfund stakeholders. Staff work closely with the Program Analysis and Resources Management Center, as well as with other staff throughout the other Centers, to conduct comprehensive program evaluations of the Superfund program.

Project teams are formed as necessary to accomplish this Center's cross-cutting functions.

- g. **OIL PROGRAM CENTER.** The Oil Pollution Response and Prevention Center is responsible for developing policy, guidance, and regulations to implement the Agency's oil pollution prevention program responsibilities. This Center is the focal point for policies and guidance related to oil spill response and prevention. The Center Director reports to the OERR Immediate Office.

The Center directs the following activities: guidance and policies related to the facility response plan regulations mandated by OPA, National Preparedness for Response Exercises, Aboveground Storage Tank Workgroup Report implementation, Liner Study implementation, the National Contingency Plan (NCP) and NCP Product Schedule; monitoring research and development in government and private industry; leading efforts to implement new and innovative oil spill response technology and other tasks supporting the oil pollution response and prevention program, including data collection efforts; leading the development of policy and economic studies; preparation of guidance packages; communication and coordination of public participation and other activities and analysis to support the development and implementation policy statements and guidelines.

This Center fosters action-oriented program analyses and evaluation to connect Regional site knowledge with policy and guidance. Coordination policy and guidance through this team structure help ensure consistent achievement of national program goals and implementation of the OPA. It assists other Centers with data management, quality assurance and program evaluation efforts.

This Center establishes cross-center teams that work together to produce a tangible product in a discrete time frame. Project teams form as needed to address specific issues or projects. On occasion, project team members may need to be drawn from other Centers.

- h. **PLANNING ANALYSIS AND RESOURCES MANAGEMENT CENTER.** The Planning Analysis and Resources Management Center provides leadership for budget, program planning, and program analysis functions throughout OERR. Working through cross-organizational teams, staff in this Center work in partnership with staff in the OERR Centers to accomplish their work. The Center Director reports to the OERR Immediate Office.

This Center prepares the OERR outyear budget request for the Superfund and Oil programs, develops Headquarters and Regional annual and quarterly operating plans, conducts all budget related activities and analyses, develops and evaluates CERCLA financial policies and procedures, develops and operates the regional workload model and generates the Superfund Regional Response full-time equivalent (FTE) distribution, and develops and operates other resource models (e.g., outyear liability model).

The Center also negotiates annual Strategic Targeted Activities for Results (STARS) targets for the Regions, updates and revises the Superfund Program Management Manual, coordinates the annual development of OERR's strategic plan and organizes OERR's annual strategic planning meeting, serves as the point of contact within OERR for regulatory coordination issues, and develops OERR's section of the OSWER and Agency strategic plans.

The Center conducts a wide variety of qualitative analyses and studies of the Superfund program (regional reviews, pipeline analyses, special studies, etc.) for the Administrator, Congress, GAO, and external and internal Superfund stakeholders; develops and operates policy models (e.g. SURE model); prepares, publishes, and distributes the Superfund Annual Report to Congress; manages OERR's Government Performance Results Act (GPRA) efforts; coordinates Superfund cost/benefit analyses; and manages OERR's financial integrity and audit coordination and follow-up functions. This Center works closely with other Centers to conduct comprehensive program evaluations of the Superfund program.

- i. **REGIONAL ACCELERATED RESPONSE CENTERS.** Five regional centers (Regions 1/9, Regions 2/6, Regions 3/8, Regions 4/10, Regions 5/7 Accelerated Response Centers) in collaboration with the OERR executive leadership, the other Center Directors, and the Senior Process Managers, foster the team work